



Edited by Iben Fonnesberg-Schmidt and Andrew Jotischky

Pope Eugenius III (1145-1153)

The First Cistercian Pope

Amsterdam
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Iben Fonnesberg-Schmidt and Andrew Jotischky

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Table of Contents

Preface	7
Abbreviations	9
Maps and Figures	15
Introduction	17
<i>Andrew Jotischky</i>	
1. 'Justinian's Laws, not the Lord's': Eugenius III and the learned laws	27
<i>Anne J. Duggan</i>	
2. Curial Politics and Papal Power: Eugenius III, the Curia, and contemporary theological controversy	69
<i>Christoph Egger</i>	
3. The Cistercians, Eugenius III, and the Disputed York Election	101
<i>Emilia Jamrozik</i>	
4. Eugenius III and the Crusades to the East	125
<i>Jonathan Phillips</i>	
5. Eugenius III and the Northern Crusade	147
<i>Iben Fonnesberg-Schmidt</i>	
6. The Benefits of Exile	171
<i>Anne J. Duggan</i>	
7. Eugenius III and France: the protected protector	197
<i>Pascal Montaubin</i>	
8. A Golden Rose and the Deaf Asp that Stoppeth her Ears: Eugenius III and Spain	219
<i>Damian J. Smith</i>	
9. Eugenius III and the Roman Commune	243
<i>John Doran †</i>	

10. Eugenius III Reclaims the Patrimony of St Peter <i>Brenda Bolton</i>	271
11. Eugenius III's Privileges to Cistercian Houses <i>Stuart A. Morgan</i>	305
12. Eugenius III at Cîteaux, 1147 <i>Clare Oglesby</i>	321
13. Eugenius III and the Church in the Crusader States <i>Andrew Jotischky</i>	341
Index	359

Preface

Bernard of Pisa (c.1080s–1153) was one of the most surprising of medieval popes. A native of Pisa, he was a canon of the cathedral chapter and *vice-dominus* of his archdiocese before entering Clairvaux as a monk in 1138, and becoming abbot of the new Cistercian foundation of Tre Fontane, near Rome, in 1140. He was elected to the papal throne in 1145 as a relative unknown at a time of crisis, and spent much of his pontificate away from Rome. As the first Cistercian monk to become pope, his relationship with his former abbot Bernard of Clairvaux has often been seen as the keynote of his pontificate, and Bernard's preaching of the Second Crusade has tended to overshadow Eugenius's role in the design and execution of that expedition. Yet his years as pope saw important developments in the relationship between the papal office and royal authority, in the role of the papacy as a judicial office, and in papal crusading theory. They were also critical years in the history of Rome, and of the Cistercian congregation.

The studies presented in this book consider the many facets of Eugenius as pope, exploring his oversight of judicial practice; theological developments in his pontificate; his treatment of Cistercian monasteries and of constitutional developments in his order; his relationships with Crown and Church in France and Spain, and with Rome and the Romans; his work in building up the papal states, and his view of the crusades in both the Baltic and the Mediterranean. Together these essays offer a new view not only of an under-appreciated pope but also of the institution he headed and of its place in a rapidly changing European society.

Abbreviations

ACA	Archivo de la Corona de Aragón (Barcelona)
Abp/abp	Archbishop/archbishop
Bernard, 'De consideratione'	Bernard of Clairvaux, 'De consideratione', in <i>Sancti Bernardi Opera</i> , ed. J. Leclercq, C.H. Talbot, and H. Rochais, 9 vols in 10 (Rome, 1957–98), iii (1963), 379–493
Bernard, 'Epistolae'	Bernard of Clairvaux, 'Epistolae', in <i>Sancti Bernardi Opera</i> , ed. J. Leclercq, C.H. Talbot, and H. Rochais, 9 vols in 10 (Rome, 1957–98), vii–viii
Bernard, <i>Letters</i>	<i>The Letters of St Bernard of Clairvaux</i> , trans. B. Scott James, 2nd edn (Stroud, 1998)
Bernard, <i>On Consideration</i>	<i>Bernard of Clairvaux, Five Books on Consideration. Advice to a Pope</i> , trans. J.D. Anderson and E.T. Kennan, Cistercian Fathers Series, 13 (Kalamazoo, 1976)
BIHR/Historical Research	<i>Bulletin of the Institute of Historical Research</i> (now <i>Historical Research</i>)
BL	British Library
BMCL	<i>Bulletin of Medieval Canon Law</i>
Boso, <i>Vita Eugenii</i>	<i>Le Liber pontificalis</i> , ed. L. Duchesne, Bibliothèque des Écoles françaises d'Athènes et de Rome, 2nd Ser., 3, 2nd edn, 3 vols (Paris, 1955–7), ii, 386–7
Boso, <i>Vita Innocentii II</i>	<i>Le Liber pontificalis</i> , ii, 379–85
Bp/bp	Bishop/bishop
Brixius	J.M. Brixius, <i>Die Mitglieder des Kardinalkollegiums von 1130–1181</i> (Berlin, 1912)
CB	cardinal bishop
CCCM	<i>Corpus Christianorum, Continuatio mediaevalis</i> (Turnhout, 1953–)
CDIACA	<i>Colección de documentos inéditos del Archivo de la Corona de Aragón</i>
Cod.	<i>Codex Iustinianus</i>
1–5 Comp.	<i>Quinque compilationes antiquae necnon collectio canonum Lipsiensis</i> , ed. E. Friedberg (Leipzig, 1882; repr. Graz, 1956)
Conrad III, <i>Urkunden</i>	<i>Die Urkunden Konrads III. und seines Sohnes Heinrich</i> , ed. F. Hausmann, <i>MGH Diplomata regum et imperatorum Germaniae</i> , ix (Vienna, 1969)
CP	cardinal priest

CS	Collected Studies: Variorum Reprints/Ashgate Variorum
<i>Decretum</i>	<i>Decretum magistri Gratiani</i> , ed. Friedberg, <i>Corpus iuris canonici</i> , i
DHGE	<i>Dictionnaire d'histoire et de géographie ecclésiastiques</i> , ed. A. Baudrillart, A. de Meyer, E. van Cauwenbergh, and R. Aubert (Paris, 1912–)
Dig.	<i>The Digest of Justinian</i> , ed. T. Mommsen and P. Krueger, with English translation, ed. Alan Watson, 4 vols (Philadelphia, 1985)
<i>Duabus civitatibus</i>	Otto of Freising, <i>Chronica sive Historia de duabus civitatibus</i> , ed. A. Hofmeister and W. Lammers, trans. A. Schmidt, <i>Ausgewählte Quellen zur Deutschen Geschichte des Mittelalters</i> , 16 (Darmstadt, 1961)
Friedberg, <i>Corpus iuris canonici</i> , i–ii	<i>Corpus iuris canonici</i> , ed. E. Friedberg, 2 vols (Leipzig, 1879–81)
<i>Gallia Christiana</i>	<i>Gallia Christiana</i> (nova), 16 vols (Paris, 1715–1865; repr. Farnborough, 1970)
<i>Germania pontificia</i>	<i>Germania pontificia: sive Repertorium privilegiorum et litterarum a Romanis pontificibus ante annum MCLXXXVIII Germaniae ecclesiis monasteriis civitatibus singulisque personis concessorum</i> , various editors, 10 vols (Berlin/Göttingen, 1911–[2005])
<i>Gesta Frederici</i>	Otto of Freising, <i>Gesta Frederici seu rectius Chronica</i> , ed. G. Waitz, B. Simson, and F.-J. Schmale, trans. A. Schmidt, <i>Ausgewählte Quellen zur Deutschen Geschichte des Mittelalters</i> , 17 (Darmstadt, 1965)
Holtzmann, 'Kan. Erg.' [1], [2]	W. Holtzmann, 'Kanonistische Ergänzungen zur Italia Pontificia' [1], <i>QF</i> , 37 (1957), 55–102; [2], <i>QF</i> , 38 (1958), 67–175
Holtzmann/Cheney	C.R. Cheney and M.G. Cheney, <i>Studies in the Collections of Twelfth-Century Decretals, from the papers of Walther Holtzmann</i> , MIC, Ser. B, 3 (Vatican City, 1979)
Horn, <i>Studien</i>	M. Horn, <i>Studien zur Geschichte Papst Eugens III. (1145–1153)</i> , <i>Europäische Hochschulschriften</i> , Reihe III, <i>Geschichte und ihre Hilfswissenschaften</i> , 508 (Frankfurt am Main, 1992)
Inst.	<i>Justinian's Institutes</i> , trans. P. Birks and G. McLeod (with the Latin text of P. Krueger) (Ithaca, New York, 1987); cf. J.A.C. Thomas, <i>The Institutes of Justinian, Text</i> ,

<i>Italia pontificia</i>	<i>Translation and Commentary</i> (Amsterdam/Oxford, 1975) P.F. Kehr, <i>Italia pontificia</i> , Regesta Romanorum pontificum, 10 vols in 8: i–viii (Berlin, 1906–35; repr. 1961); ix, ed. W. Holtzmann (Berlin, 1962); x, ed. D. Girsensohn (Zurich, 1975)
JL	P. Jaffé, <i>Regesta Pontificum Romanorum ad annum 1198</i> , ed. S. Loewenfeld, F. Kaltenbrunner, and P.W. Ewald, 2 vols (Leipzig, 1885–8)
JohnS, <i>Letters</i> , i	<i>The Letters of John of Salisbury</i> , i: <i>the early letters</i> , ed. and trans. W.J. Millor and H.E. Butler, revised C.N.L. Brooke, NMT (London, 1955; reissued Oxford, 1986)
JS <i>HistPont</i>	John of Salisbury, <i>Historia pontificalis</i> , ed. and trans. M. Chibnall, OMT, 2nd edn (Oxford, 1986)
<i>Liber pontificalis</i>	<i>Le Liber pontificalis</i> , ed. L. Duchesne, Bibliothèque des Écoles françaises d'Athènes et de Rome, 2nd Ser., 3, 2nd edn, 3 vols (Paris, 1955–7)
Mansi	<i>Sacrorum conciliorum nova et amplissima collectio</i> , ed. J.D. Mansi, cont. I.B. Martin and L. Petit, 53 vols (Florence/Venice, 1759–98; Paris, 1901–27; repr. Graz, 1960–1)
MGH	<i>Monumenta Germaniae Historica, inde ab anno Christi quintesimo usque ad annum millesimum et quingentesimum</i> (Hanover/Berlin, 1824–)
MGH, <i>Constitutiones</i>	<i>MGH Legum sectio IV.1 Constitutiones et acta publica imperatorum et regum inde ab a. DCCCCXI usque ad a. MCXCVII (911–1197)</i> , i, ed. L. Weiland (Hanover, 1893),
MGH SRG	<i>Scriptores rerum Germanicarum in usum scholarum ex Monumentis Germaniae historicis separatim editi</i> , 78 vols (Hanover, <i>et alibi</i> , 1839–2007; variously re-edited and reprinted)
MGH SRG, NS	<i>Scriptores rerum Germanicarum</i> , New Series (Berlin, 1922–)
MGH SS	<i>Scriptores</i> (in folio), 32 vols in 34 (Hanover, 1826–1934)
MIC	Monumenta iuris canonici
MIÖG	<i>Mitteilungen des Instituts für Österreichische Geschichtsforschung</i>
NMT	Nelson's Medieval Texts
ODNB	<i>Oxford Dictionary of National Biography</i>
OMT	Oxford Medieval Texts
PL	<i>Patrologiae cursus completus, series latina</i> (<i>Patrologia</i>

- latina*), 221 vols, ed. J.P. Migne (Paris, 1841–64)
- Proceedings ... Boston** *Proceedings of the Second International Congress of Medieval Canon Law* [Boston College, 12–16 August 1963], ed. S. Kuttner and J.J. Ryan, MIC, Ser. C: Subsidia, 1 (Vatican City, 1965)
- Proceedings ... Cambridge** *Proceedings of the Seventh International Congress of Medieval Canon Law, Cambridge, 23–27 July 1984*, ed. P. Linehan, MIC, Ser. C: Subsidia, 8 (Vatican City, 1988)
- Proceedings ... Esztergom** *Proceedings of the Thirteenth International Congress of Medieval Canon Law, Esztergom 2008*, ed. P. Erdő and S.A. Szurómi, MIC, Ser. C: Subsidia, 14 (Vatican City, 2010)
- Proceedings ... Paris** *Proceedings of the Fifteenth International Congress of Medieval Canon Law, Paris 2016*, ed. F. Demoulin-Auzary, N. Laurent-Bonne, F. Roumy, MIC, Ser. C: Subsidia, 16 (Vatican City, in press).
- Proceedings ... Salamanca** *Proceedings of the Fifth International Congress of Medieval Canon Law, Salamanca, 21–25 September 1976*, ed. S. Kuttner and K. Pennington, MIC, Ser. C: Subsidia, 6 (Vatican City, 1980)
- Proceedings ... Toronto 2012** *Proceedings of the Fourteenth International Congress of Medieval Canon Law, Toronto, 5–11 August 2012*, ed. J. Goering, S. Dusil, and A. Their, MIC, Series C: Subsidia, 15 (Vatican City, 2016)
- PU England** *Papsturkunden in England*, ed. W. Holtzmann, 3 vols, Abhandlungen der Gesellschaft der Wissenschaften zu Göttingen. Phil.-hist. Klasse, i, New Ser., 25 (Berlin, 1930); ii, 3rd Ser., 14–15 (Berlin 1935–6); iii, 3rd Ser., 33 (Göttingen, 1952)
- PU Frankreich** *Papsturkunden in Frankreich*, ed. W. Wiederhold, 7 vols in 3, Nachrichten von der Königlichen Gesellschaft der Wissenschaften zu Göttingen. Phil.-hist. Klasse (Berlin 1906–13)
- PU Frankreich, NS** *Papsturkunden in Frankreich*, ed. H. Meinert, J. Ramackers, J. Lohrmann, and R. Grosse, 9 vols to date, Abhandlungen der Gesellschaft der Wissenschaften zu Göttingen. Phil.-hist. Klasse, 3rd Ser. (Berlin, 1932; Göttingen, 1937–[98])
- PU Heiligen Lande** *Papsturkunden für Kirchen im Heiligen Lande*, ed. R. Hiestand, Vorarbeiten zum Oriens pontificius, 3,

	Abhandlungen der Gesellschaft der Wissenschaften zu Göttingen. Phil.-hist. Klasse, 3rd Ser., 136 (Göttingen, 1985)
<i>PU Italien</i>	<i>Papsturkunden in Italien. Reiseberichte zur Italia pontificia</i> , ed. P. Kehr, 6 vols, Acta Romanorum pontificum 1–6 (Vatican City, 1977)
<i>PU Niederlanden</i>	<i>Papsturkunden in den Niederlanden</i> , ed. J. Ramackers, 2 vols, Abhandlungen der Gesellschaft der Wissenschaften zu Göttingen. Phil.-hist. Klasse, 3rd Ser., 8–9 (Berlin, 1933–4)
<i>PU Portugal</i>	<i>Papsturkunden in Portugal</i> , ed. C. Erdmann, Abhandlungen der Gesellschaft der Wissenschaften zu Göttingen. Phil.-hist. Klasse, New Ser., 20/3 (Berlin, 1927; repr. Göttingen, 1970)
<i>PU Spanien</i>	<i>Papsturkunden in Spanien</i> . P.F. Kehr, Vorarbeiten zur Hispania pontificia, 2 vols, Abhandlungen der Gesellschaft der Wissenschaften zu Göttingen. Phil.-hist. Klasse, New Ser., 18/2, 22: i (Katalanien); ii (Navarra und Aragon) (Berlin, 1926, 1928; repr. Göttingen, 1970)
<i>QF</i>	<i>Quellen und Forschungen aus italienischen Archiven und Bibliotheken</i>
<i>RS</i>	Rolls Series: <i>Rerum Britannicarum Medii Aevi Scriptores, Chronicles and Memorials of Great Britain and Ireland during the Middle Ages, published ... under the direction of the Master of the Rolls</i> , 99 vols (London, 1858–96)
<i>s.a.</i>	<i>sub anno</i>
<i>Second Crusade</i> , ed. Gervers	<i>The Second Crusade and the Cistercians</i> , ed. M. Gervers (New York, 1992)
<i>Second Crusade</i> , ed. Phillips and Hoch	<i>The Second Crusade: scope and consequences</i> , ed. J. Phillips and M. Hoch (Manchester, 2001)
<i>X</i>	<i>Liber Extra: Decretales Gregorii IX</i> , ed. Friedberg, <i>Corpus iuris canonici</i> , ii.
<i>Zenker</i>	B. Zenker, <i>Die Mitglieder des Kardinalkollegiums von 1130 bis 1159</i> (Diss. Würzburg, 1964)
<i>ZRG Kan. Abt.</i>	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung</i>

Maps and Figures

Cover

Image of Eugenius III in the Portico of SS. Vincenzo e Anastasio *ad aquas salvias* at Tre Fontane, recorded by Antonio Eclissi in 1630. Vatican City, BAV, Ms Barb. lat. 4402, fol. 43r. Published by permission of the Biblioteca Apostolica Vaticana.

Maps

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| 1. | Eugenius III's Trans-Alpine Itinerary 1147–8, with thanks to Dr Duncan Probert | 195 |
| 2. | Eugenius III's Reclamations in the Patrimony of St Peter, with thanks to Dr Matilde Grimaldi | 272 |

Figure

- | | |
|--|-----|
| Inscription on the Frangipani Tower at Terracina,
photo by courtesy of Dr Maurizio Campanelli | 301 |
|--|-----|

Introduction

Andrew Jotischky

Fonnesberg-Schmidt, Iben and Andrew Jotischky (ed.), *Pope Eugenius III (1145–1153). The First Cistercian Pope*. Amsterdam University Press, 2018

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Pope Eugenius III was the unexpected choice of the cardinals at an election held during a period of intense crisis. His predecessor, Lucius II, died from wounds sustained when in February 1145 he led an army against the commune of Rome in order to re-establish papal control over the city. The expedition failed, and the cardinals had to withdraw to the monastery of St Caesarius to hold the election.¹ In Bernard, who took the name Eugenius, they chose a man with a complex past. As *vicedominus* or episcopal representative in the archbishopric of Pisa from 1133, Eugenius had experience both as a cathedral canon and as a clerical administrator. In 1138, however, he underwent a conversion to the reformed monastic life of Clairvaux. Only two years later he was sent back to Italy to take charge of the re-foundation of the abandoned former Greek Orthodox monastery of SS. Vincenzo e Anastasio as a Cistercian house. The restoration of a ruinous monastery was a demanding task both physically and psychologically. The pioneer monks suffered from attacks of malaria, and although the restoration had been undertaken at the request of Pope Innocent II they did not enjoy the protection or support they had expected. Contrasting this difficult experience with his initial entry into Cistercian life, Eugenius looked back on his brief period at Clairvaux as time spent ‘in the midst of the trees of Paradise’.²

Eugenius III’s spiritual mentor, Bernard of Clairvaux, professed himself appalled at the election. The cardinals had brought ‘a man crucified’ back into the world – could they find nobody better suited to leadership than a man in hiding from the world whom they had to drag from his rustic

1 F. Gregorovius, *History of the City of Rome in the Middle Ages*, trans. A. Hamilton, 6 vols (London, 1894–8), 4/ii, 491.

2 Bernard of Pisa, *Epistolae*, 315, *PL*, clxxxii, 549: ‘Non enim satis intelligebam, cum essem in Clarevalle, me esse in loco voluptatis, inter ligna paradisi.’

pursuits to the papal throne?³ Eugenius himself appears to have shared Bernard's surprise and sense of apprehension, to judge from the letter he wrote soon after his election.⁴ Other contemporaries appeared to concur, to judge from Boso's biography in the continuation of the *Liber pontificalis*.⁵ No record that survives explains why the cardinals settled on Eugenius rather than, for example, the most senior cardinal and the man eventually elected in 1153 as Anastasius IV, Conrad, cardinal-bishop of Sabina, who as an experienced Roman might have been a more obvious choice in the circumstances.⁶ It is possible that Eugenius's status as a Cistercian, or as a spiritual protégé of Bernard of Clairvaux, carried some weight at a time of crisis; equally, Eugenius combined the attractions of monastic spirituality with previous administrative experience in Pisa, an important papal ally. In any case, the immediate situation was daunting. The commune refused to recognize the election unless the new pope in turn recognized the Senate that it had formed and gave up papal claims to control of Rome. Consequently the enthronement took place not at St Peter's but at the monastery of Farfa, on 18 February 1145.⁷

One of the reasons given by Bernard of Clairvaux for his opposition to Eugenius' election was his doubt as to whether his protégé was up to the job. Could he, Bernard wondered, exercise sufficient firmness in fulfilling the role of the apostolate?⁸ This collection of essays is, in part, an attempt to answer that question by examining Eugenius's approach to the task to which he had been called across a range of activities. The verdict on Eugenius III's pontificate has been, it is fair to say, rather mixed. Famously, John of Salisbury, calling upon his memories as a papal clerk during Eugenius's pontificate, remembered him as a pope who trusted too much in his own judgment, did not rate the advice of his counsellors highly enough, and whose suspicious nature meant that he was inclined to disbelieve most people on principle.⁹ This was the only reason John could suggest for the revoking of many of Eugenius's judgments by his successors. Yet on one occasion at least, John praised Eugenius's conduct of a legal case in which he displayed a combination of discernment and emotional strength. Hearing

3 Bernard, 'Epistolae', viii, 113–14 no. 237.

4 JL, ii, 21; Eugenius III, *Epistolae*, PL, clxxx, 1015.

5 Boso, *Vita Eugenii*, 386; see C. Egger, 'Curial Politics and Papal Power: Eugenius III, the Curia, and contemporary theological controversy', Ch. 2, below.

6 Zenker, 46–8; P. Classen, 'Papst Anastasius IV', *QF*, 48 (1968), 36–63.

7 For fuller discussion, see J. Doran, 'Eugenius III and the Roman Commune', Ch. 9, below.

8 Bernard, 'Epistolae', viii, 114 no. 237.

9 JS *HistPont*, 51, c.21.

the divorce suit of Hugh, count of Molise, the pope's natural suspicion led him to dismiss the testimony of witnesses who had been bribed, and to resolve the case by an eloquent personal appeal to the count. Caught up in the intensity of the moment, Eugenius was prepared to risk potential personal ridicule in order to resolve a legal dispute through the force of his character. Getting up from his throne, he prostrated himself before the count, his mitre falling from his head to the floor as he did so, and begged him to abandon his suit for divorce and to be absolved of any misconduct of his own in the matter. The count and his wife were duly reconciled, and Eugenius was seen by all those present to have resolved the situation through an act of charitable mercy rather than strict application of the law.¹⁰

Such shafts of light illuminating the process of governance and administration remind us of personal qualities that are for the most part hidden from us. Over a thousand letters were issued by the papal chancery during Eugenius's eight years on the papal throne. Although many are routine, some provide insights into his conception of papal office, and a few are of a personal nature. Contemporary observers of the papacy – many of them critical – leave no doubt about the increase in papal business in the middle of the twelfth century. Much of the time of any pope was taken up with hearing and judging cases in law. The role of the pope in such cases was to act as ultimate arbiter: to hear arguments from witnesses and petitioners on both sides, to consult with his own legal experts in the Curia and to give a verdict based on his judgment. Bernard of Clairvaux, to whom the whole process was inimical, thought that it consisted of listening to learned men tell lies and trying to find some truth buried beneath their eloquence.¹¹ The sheer variety of such cases was daunting. Many of them concerned disputes between bishops over jurisdictional rights and possessions, or between bishops and monasteries claiming exemption from episcopal oversight. Verdicts were given, but even a papal judgment was no guarantee that it would be followed, and enforcement might be difficult especially in distant parts of Christendom. Cases could reappear before the Curia years after initial verdicts had been given. Eugenius's pontificate saw a marked increase in the range and scope of papal justice. In part this was the continuation of a trend that had begun in the 1130s, but it must also have reflected Eugenius's own conception of his office. Anne Duggan's

10 JS *HistPont*, 81–2, c.41. On this case, see also John Noonan's description of John's characterization of Eugenius as 'a kind of Dovstoevskyan saint': 'Was Gratian Approved at Ferentino?', *BMCL*, 6 (1976), 19; G. Ladner, 'Greatness in Mediaeval History', *Catholic Historical Review*, 50 (1964), 21.

11 Bernard, 'De consideratione', 408 (i.10); Bernard, *On Consideration*, 44.

comprehensive essay on Eugenius and the law shows that, in this respect, Eugenius was a man of his times; that in Italy especially the law had always been a prominent feature of civic administration; and that the increased handling of cases by the Curia was a mark of the ever-expanding intellectual horizons of the papacy. As she points out, Eugenius, a Pisan, was familiar with a thoroughly developed system of civic law; nor was he in any way daunted by the professionalization of legal practice that was so evident in mid-century, and which made Bernard of Clairvaux so uncomfortable. Eugenius understood the importance of developments that were already well under way when he became pope, and the need for the papacy to grasp opportunities to exercise authority by deploying the weapons of the law and of legal learning.

In describing Eugenius to the cardinals as a rustic whom they had dragged away from his mattock and hoe, Bernard of Clairvaux was appealing to the image of the ideal monk as a man of wisdom rather than intellect; of simplicity rather than of deep knowledge. Yet as pope he had to deal with troubling questions of theology. Christoph Egger shows how he negotiated the treacherous paths of theological orthodoxy between a multitude of errors or potential errors born from the fast-developing theological cursus in the schools. The sojourn in France and Germany in 1147–8 brought Eugenius into contact with two quite different examples of the problem: the case of Gilbert of Poitiers that came before him at Reims in 1148, and the request from the mystic Hildegard of Bingen for ratification of her writings. In the latter case, Eugenius had to evaluate the quality and nature of a body of work unfamiliar to him. As Egger shows, he did so in a manner that echoes in some respects the techniques of legal judgment: sending for a representative body of her work, having it read in consistory and taking advice from experts (including the ubiquitous Bernard) before reaching a verdict. The case of Gilbert was far more fraught, and here Eugenius had to deal with a cardinalate that resented the imputation of interference from the *ecclesia gallicana* in theological matters, and that required reassurance that the case of a suspect theologian would not result in changes to the creed.

It is tempting to assume that we can know something of Eugenius through his close relationship with Bernard of Clairvaux, a relationship documented by a mutual exchange of letters as well as Bernard's treatise *De consideratione*, written for the pope as he grappled with the burden of his office. As Bernard himself advised, in order to understand the office-holder, you must first strip away titles and trappings and see the person himself.¹²

12 Bernard, 'De Consideratione', 414–15 (ii.2); Bernard, *On Consideration*, 52–4.

Bernard's attitude to episcopal office, indeed, lent particular weight to the moral and spiritual qualities of candidates above all. Yet Bernard's view of the Church and Christian society can sometimes appear to overshadow Eugenius III's pontificate; he is, in many ways, inseparable from Eugenius's occupancy of the throne of St Peter. Eugenius was drawn into existing problems in which Bernard had already immersed himself, such as the case of the disputed election to the archbishopric of York. As Emilia Jamrozak demonstrates in her essay, Eugenius's involvement in the question was coloured by the mode of his introduction to the affair. In the same letter Bernard first congratulated Eugenius, in ambivalent terms, on his election, then, having established the nature of their newly reversed relationship as father and son, launched into his own version of the problematic election and the conduct of the archbishop, William Fitzherbert.¹³ Dependence on Bernard's views seems to be the hallmark of Eugenius's own attitude to the question.

Dependence on Bernard is often, likewise, seen as a striking feature of the preaching of the Second Crusade, which Eugenius proclaimed in the letter *Quantum praedecessores* in December 1145. Eugenius's approach to the launching of the crusade is, inevitably, contrasted with that of Urban II in 1095, at least in respect of Eugenius's delegation of preaching to Bernard.¹⁴ Whereas Urban is associated indelibly with the First Crusade because of the dramatic narrative accounts of his preaching written by a group of chroniclers after the success of the crusade, the military failure of the Second Crusade serves only to expose the absence, in retrospect, of such a decisive moment. In fact, Eugenius's approach reflected both the development of holy war practices in the West since 1095 and the more business-like setup of the papal office fifty years after Urban. Eugenius's crusade was more centrally planned than Urban's, and, as Jonathan Phillips demonstrates, the pope's role in its multi-directional design and execution was critical. The Second Crusade featured a number of innovations, from the issue of the bull to the involvement of kings that reveals a considered and creative approach to holy war. For Eugenius, the threat to Frankish settlers in the East posed by the loss of Edessa in 1144 opened wider questions about the defence of Christendom and the meaning both of Urban's role in 1095 and of subsequent developments in the defence of the Holy Land.

13 E. Jamrozak, 'The Cistercians, Pope Eugenius III, and the Disputed York Election', Ch. 3, below.

14 E.g. H.E. Mayer, *The Crusades*, 2nd edn (Oxford, 1988), 95; C. Tyerman, *God's War: a new history of the crusades* (London, 2006), 275.

It was in Eugenius's pontificate that the papacy for the first time issued crusading privileges for war against the pagans of the Baltic region. Iben Fonnesberg-Schmidt argues that Eugenius was, in a general sense, reactive rather than proactive in adopting this theatre of war under the crusading formula of *Quantum praedecessores*, but that he formed his own distinctive idea about the value of the Wendish expedition. The fact that Eugenius appears to have endorsed actions already taken by Bernard of Clairvaux in offering a crusade indulgence do not necessarily deny Eugenius agency in the planning of the Wendish Crusade; he personally met representatives of the crusaders in March 1147, before the issue of *Divini dispensatione*, the bull authorizing the expedition.¹⁵ Although undeniably influenced by Bernard, Eugenius was capable of understanding and articulating specific regional concerns within the wider framework of crusading that he was developing. This is also clear from contemporary remarks on the conduct of the crusade in the Iberian peninsula, where Eugenius encouraged the intervention of crusaders from northern Europe.¹⁶ Indeed, his actions in the period 1145–7 stamped papal authority over 'the business of the Cross'; an authority it would never lose.

The preaching and preparations for the crusade took Eugenius to France. This journey was in itself a major undertaking involving administrative, liturgical, and diplomatic complexities, here examined in detail for the first time by Anne Duggan. France provided the papal Curia with a place of refuge between March 1147 and May 1148, but it was important to be able to present the French sojourn in a positive light rather than simply as an escape from troubles in Rome. The council over which Eugenius presided at Reims in 1148 was thus an opportunity to exercise personal authority over the French Church at a time when the king was absent from the kingdom on crusade. As Pascal Montaubin demonstrates, the papacy was the Capetian kingdom's protector during this period, a position that reflects the relationship of trust that Eugenius had established with Louis VII, Abbot Suger of Saint-Denis, and other high clergy since the issue of *Quantum praedecessores*. Eugenius was sensitive enough to realize that Suger should be left in effective control over most affairs, but his presence in France allowed him to consecrate new churches, to issue privileges, and to preside as judge over difficult cases in law. His continued concern for Capetian affairs is shown by the solicitude he showed to Louis and Eleanor of Aquitaine in trying to patch up their

15 For the title, see below Ch. 5, n. 52.

16 D. Smith, 'A Golden Rose and the Deaf Asp that Stoppeth her Ears: Eugenius III and Spain', below, Ch. 8.

failing marriage when they passed through Italy on return from the East in the autumn of 1149. John of Salisbury claimed that Eugenius loved more the Church in France than in any other kingdom of Christendom; certainly his pontificate cemented a relationship between Capetians and the papacy that was to have an enduring legacy.¹⁷

Involvement with 'national' Churches could only be fruitful where a good relationship existed with the Crown. The situation faced by Eugenius in the Iberian peninsula was entirely different from France owing to the fluid frontiers created by the Reconquista. The primacy of the archbishopric of Toledo had been recognized by Urban II in 1088 and by Eugenius's immediate predecessor as recently as 1144, but, as Damian Smith explains, the political implications of this, implying as they did recognition of the primacy of León-Castile, were by the 1140s no longer acceptable to other Christian rulers in the peninsula. The archbishop of Braga resisted formal recognition of Toledan primacy until 1150, while other prelates from bishoprics outside the Castilian political orbit found a variety of strategies to avoid such recognition. Eugenius's response to the problem was not invariably the same, and in the case of Pamplona he was unable to prevent the bishop from stalling for time.

Closer to home, Eugenius was eventually able to enforce his authority within Rome. The inauspicious start to his pontificate, and the need to rule from outside Rome for much of the time, can lead to an evaluation of Eugenius as a weak pope. John Doran, in the last essay he wrote before his tragically early death, argues the contrary: that Eugenius's consummate political skills allowed him to understand and to deal with the two besetting Roman problems, namely the commune and the city prefecture. Doran's claim that without Eugenius the pontificate of Innocent III would not have been possible is based on an appreciation of Eugenius's skill in compromising with the leadership of the commune so as to allow the restoration of the prefecture but in a limited capacity. Eventually Eugenius was able to use the Senate to dominate the administration of the city. Moreover, Eugenius used his periods of absence from Rome to establish papal control over the Roman patrimony. Brenda Bolton demonstrates how Eugenius's experience as *vicedominus* of Pisa before his election had already prepared him for the political and legal complexities of securing and managing large ecclesiastical estates, often in the face of determined secular lordship, and how he applied this experience in building up the papal patrimony. It is Eugenius,

17 JS *HistPont*, 62, c.30.

she argues, rather than any of his successors, who deserves to be seen as the father of the Papal States.

Eugenius had been a Cistercian monk at the time of his election for much less time than he had been a priest, cathedral canon, and ecclesiastical administrator. Because he was the first Cistercian to become pope, however, his pontificate is inescapably seen in terms of his 'Cistercianism'. Two essays in this volume discuss the pope's involvement with his monastic congregation. Stuart Morgan's examination of the privileges granted to the Cistercians between 1145 and 1153 finds that a subtle shift occurred under Eugenius in the relationship between Cistercian houses in England and episcopal authority, exemplified by the absence of the words referring to bishops in the clause 'salva sedis apostolice auctoritate et diocesani episcopi' in some instances. At the same time, Eugenius shared Bernard's misgivings about privileges freeing monastic communities from episcopal oversight, and showed little inclination to use his authority to loosen such ties. In general, Eugenius's pontificate saw the increasing tendency towards centralization within the congregation, especially after his reissue of the *Carta caritatis* in 1152. Discussing the Cistercian chapter-general of 1147, Clare Oglesby compares Eugenius's approach to his own monastic brethren with that shown to two other new reforming congregations, the Gilbertines and the community founded by Stephen of Obazine. Siding with those who have dismissed Constance Berman's argument against the existence of a chapter-general in that year, Oglesby shows that not only did it take place but that Eugenius's role in the decision to absorb Obazine into the Cistercian congregation was critical. Equally, the decision not to absorb Gilbert of Sempringham's communities owed much to Eugenius's judgment that Gilbert should himself lead his distinctive monastic foundation.¹⁸

A little over one-third of all the letters emanating from the papal chancery in Eugenius's reign were concerned with petitions from monasteries in respect of alleged encroachments on their possessions or rights. Two cases discussed by Andrew Jotischky from the kingdom of Jerusalem, that bear comparison with a celebrated dispute between the abbey of Vézelay and the bishopric of Autun, show Eugenius at work. Although he decided in favour of the Benedictine community of Notre-Dame de Josaphat in disputes with the archbishopric of Nazareth over presentations of clergy and tithes, it would be difficult to argue that he did so because as a monk

18 C. Berman, *The Cistercian Evolution. The Invention of a Religious Order in Twelfth-Century Europe* (Philadelphia, 2000), 143; see now J. Burton, *The Foundation History of the Abbeys of Byland and Jervaulx*, Borthwick Studies and Texts, 35 (York, 2006), xxv–xxvii.

he was predisposed to side with monasteries. His judgment rested, rather, on the quality of the evidence submitted to him. Local considerations were also important. In so far as the judgment appears to contradict a ruling he later made against monks fulfilling parochial ministries, this probably reflected the needs of a Church on the frontier of Christendom where Latin parish clergy were scarce.

Eugenius's judgment in the case of Gilbert of Poitiers may have been significant, as Christoph Egger observes, in demonstrating the increasing self-confidence of Eugenius's cardinalate, perhaps at the same time serving to loosen Eugenius's dependence on Bernard of Clairvaux. There are other clear signs that during his pontificate he either developed or was able to give voice to interests and concerns that were not previously apparent in his career. One of these is exemplified by his interest in the work of Anselm of Havelberg, the German bishop who, besides his important role in the Wendish Crusade, also had wide experience as a papal diplomat in the Greek Orthodox world. Perhaps as a result of his contact with Anselm, Eugenius sought Latin scholarly knowledge of Orthodox patristics, and Burgundio – like the pope, a Pisan – dedicated translations of John Chrysostom's *Homilies* to him. Eugenius's growing interest in the wider Christian world is also signalled in his reception of Armenian envoys in the winter of 1145, and his invitation to them to observe the celebration of a Pontifical High Mass.

It was as he was celebrating Mass on this occasion, Otto of Freising reports, that a halo-shaped sunbeam was clearly seen to frame the pope's head.¹⁹ Even his most fervent admirers have not claimed sanctity for Eugenius, and it would be difficult to find one single outstanding achievement that characterized his pontificate. He struggled with many aspects of the papal office, and he did not succeed in every initiative. He failed to reconcile Louis VII with Eleanor, some of his judgments were reversed by his successors, and he was unable in the end to deal with Arnold of Brescia and the commune. Most signally, his crusading enterprise in the East was crowned with failure. Nevertheless, he showed himself more than capable of shouldering the burden that in 1145 his mentor doubted he could manage. He was a pope of wide accomplishments, of practical wisdom and personal integrity, and his pontificate saw the papacy develop significantly in its pursuit of progressive, centralized governance of the Church.

19 *Duabus civitatibus*, 360–3 (vii.32).

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1. 'Justinian's Laws, not the Lord's': Eugenius III and the learned laws

Anne J. Duggan

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Abstract

Bernard of Clairvaux famously condemned Eugenius III for allowing trained lawyers using 'Justinian's Laws, not the Lord's' to present and defend cases in his presence. This chapter argues that Bernard's strictures were misplaced, since the papal court followed rather than set the trend towards greater professionalization already evident in Tuscany, Lombardy, and Provence. In these regions, elements of Roman civilian procedure were commonplace with advocates and jurists citing Justinian's *Codex* and *Digest*. When necessary, they drew on authorities from Gratian's *Decretum*, the new compendium of canon law, which incorporated significant elements of Roman law. A series of individual cases provides evidence of the intermingling of the two laws in what was becoming the *ius commune* (common law) of the Latin Church.

Keywords: Roman law; canon law; Gratian, Justinian; decretals; oath of calumny; *ordo iudiciarius*; *ius commune*; Council of Reims (1148)

The legal background

It is well known that two of Eugenius III's most distinguished contemporaries wrote with some disquiet about the direction being taken by legal practice at the papal Curia. Bernard of Clairvaux, who had recruited Eugenius into the Cistercian Order in 1138, complained in 'Five Books on Consideration', that 'every day the laws make a great clamour in the [papal] palace, but they are Justinian's laws, not the Lord's (*quotidie perstreput in*

palatio leges, sed Iustiniani, non Domini)';¹ and Master Gerhoch, provost of Reichersberg (†1169), claimed (1155/6) that lawyers (*legiste*) were allowed so to complicate the presentation of cases heard in his presence that Eugenius and the cardinals were scarcely able to disentangle them. 'It would then have been better', he added, 'if those blood-sucking dog-flies (*cinomias*) sent into Pharaoh's house had not been introduced into the house of Jacob'.² The pure law of the Gospels was being perverted by the empty arguments of the Roman law.³ 'I am amazed', wrote Bernard, 'how far your religious ears can bear to listen to such arguments from advocates, and the battles of words, which are more conducive to the subversion of truth than to its discovery'.⁴ The whole art of the lawyer, he continued, was an exercise in superficial cleverness and deceit:

These are the men who have taught their tongues to tell lies, who are skilled in speaking against justice, learned in speaking for falsehood. They are wise that they may do ill, eloquent to attack the truth. These are the men who instruct those by whom they should be instructed; they build up not what they find, but their own [inventions?]; they construct on their own account false claims against integrity; they destroy the simplicity of truth; they obstruct the paths of judgment.⁵

1 Bernard, 'De consideratione', 399 (i.4); *PL*, clxxxii, 732.

2 *Letter to Pope Hadrian about the Novelties of the Day*, ed. N. Häring (Toronto, 1974), 115: 'Meliusque tunc fuisset illas cinomias domui Pharaonis inmissas in domum Iacob non fuisse intromissas.' Gerhoch's 'dog-flies' referred to the plague of flies (*muscae*) sent to compel Pharaoh to free the Israelites from slavery: Exodus 8: 22–4. Gerhoch had visited Rome a number of times from 1126 onwards (*Letter to Pope Hadrian*, 11).

3 Bernard, 'De consideratione', 399 (i.4); *PL*, clxxxii, 732: 'Nam certe lex Domini immaculata, convertens animas (Ps. 18: 8). Hae autem non tam leges quam lites sunt et cavillationes, subvertentes iudicium. Tu ergo, pastor et episcopus animarum, qua mente, obsecro, sustines coram te semper silere illam, garrere istas? (For the Lord's law is perfect, converting hearts. But these are not so much laws as disputes and quibblings that undermine judgment. So, I ask, how can you, a shepherd and overseer of souls, allow the one to be silent in your presence, and the others to babble on?)'.

4 Bernard, 'De consideratione', 408 (i.10); *PL*, clxxxii, 740: 'Miror namque quemadmodum religiosae aures tuae audire sustinent huiusmodi disputationes advocatorum, et pugnas verborum, quae magis ad subversionem, quam ad inventionem proficiunt veritatis.'

5 'Hi sunt qui docuerunt linguas suas loqui mendacium (cf. Jer. 9: 5), deserti adversus iustitiam, eruditi pro falsitate. Sapientes sunt ut faciant malum (cf. Jer. 4: 22), eloquentes ut impugnent verum. Hi sunt qui instruunt a quibus fuerant instruendi, adstruunt non comperta, sed sua; struunt de proprio calumnias innocentiae, destruunt simplicitatem veritatis, obstruunt iudicii vias': Bernard, 'De consideratione', 408 (i.10); *PL*, clxxxii, 740.

There was, moreover, an implication that this perversion was being driven by base motives to draw more and more lucrative cases into the papal Curia. The aim was money and power, not justice for the poor.⁶

All this is familiar ground, but it can be argued that Bernard and Gerhoch saw the consequences not the causes or contexts of a legal transformation⁷ that was taking place before their eyes and, at least in these two treatises, blamed Eugenius and the Curia for changes in the wider legal culture which they did not stimulate and over which they had virtually no control. The work of Classen, Fried, Gouron, Poly, Toubert, and Wickham,⁸ and generations of Italian scholars (Aldibrandi, d'Amia, Genuardi, Padoa Schioppa, Vismara), have revealed the legal vitality of centres in Septimania and Provence (Arles, Montpellier, Nîmes, and Saint-Gilles), Lombardy, the Romagna, and Tuscany (Arezzo, Cremona, Lucca, Mantua, Milan, Modena,

6 'Causa viduae intret ad te, causa pauperis et eius qui non habet quod det (Let the widow's case come before you, the case of the poor man, and of him who has nothing to offer)': Bernard, 'De consideratione', 408–9 (i.10); *PL*, clxxxii, 741. Compare Walter of Châtillon's attack on the chancery in *Propter Syon non tacebo*: 'hic Charybdis debacchatur | id est cancellaria, | ubi nemo gratus gratis | neque datur absque datis | Gratiani gratia (here Charybdis rages uncontrollably, | that is the chancery, | where no one gets satisfaction for nothing, | nor is given without giving for Gratian's grace)': *Carmina Burana*, ed. A. Hilka and O. Schumann, 2 vols (Heidelberg, 1930), i, 66. Gratian (below, n. 114) was *datarius*, acting head of the chancery. See John of Salisbury's excoriation of the Curia under Adrian IV: *Policraticus*, vi.24, 'Iustitiam non tam veritati, quam pretio reddunt', immediately contradicted by John's own witness: 'Unum tamen audacter conscientia teste profiteor, quia nusquam honestiores clericos vidi, quam in Ecclesia Romana, aut qui magis avaritiam detestentur' (*PL*, cxcix, 1423, 1424).

7 Note that I do not use the word 'revolution'. See R. Schieffer's rejection of the Berman thesis in "'The Papal Revolution in Law'? Rückfragen an H.J. Berman', *BMCL*, 22 (1998), 19–30.

8 P. Classen, *Studium und Gesellschaft im Mittelalter*, ed. J. Fried, *Schriften der MGH*, 29 (Stuttgart, 1983); J.-P. Poly, 'Les maîtres de Saint-Ruf. Pratique et enseignement du droit dans la France méridionale au XII^e siècle', *Annales de la Faculté de droit des sciences sociales et politiques de la faculté des sciences économiques*, 2 (Bordeaux, 1978), 183–203; J. Fried, *Die Entstehung des Juristenstandes im 12. Jahrhundert: Zur sozialen Stellung und politischen Bedeutung gelehrter Juristen in Bologna und Modena* (Cologne, 1974); P. Toubert, *Les structures du Latium médiéval: le Latium méridional et la Sabine du IX^e siècle à la fin du XII^e siècle*, Bibliothèque des Écoles françaises d'Athènes et de Rome, 221, 2 vols (Rome, 1973), ii, 1191–348; C. Wickham, *Legge, pratica e conflitti: tribunali e risoluzione delle dispute nella Toscana del XII secolo* (Rome, 2000), here cited in the English translation: *Courts and Conflict in Twelfth-Century Tuscany* (Oxford, 2003); idem, 'Getting Justice in Twelfth-Century Rome', in *Zwischen Pragmatik und Performanz: Dimensionen mittelalterlicher Schriftkultur*, ed. C. Dartmann, T. Scharff, C.F. Weber, *Utrecht Studies in Medieval Literacy*, 18 (Turnhout, 2011), 103–31, esp. 116. For controversial treatment of the re-emergence of Roman law, see C.M. Radding, *The Origins of Medieval Jurisprudence: Pavia and Bologna 850–1159* (New Haven, 1988) and idem, 'Legal Science 1000–1200: the invention of a discipline', *Rivista di storia di diritto italiano*, 63 (1990), 409–32.

Pavia, and Pisa), as well as Bologna, Ravenna, and Rome.⁹ These regions saw the emergence of an increasingly professional notariate, where notaries, usually laymen, drew up legal documents (leases, wills, marriage contracts), where *iurisperiti*, men learned in the law, advised clients; where *advocati*, *causidici*, or *causarum patroni* represented them in civil cases before *judices*, that is judges appointed or elected, generally annually, by the civic governments and citizens;¹⁰ and where ecclesiastical tribunals employed similar processes and shared some of the personnel. It was in this environment that the more formal study and teaching of Roman law took root, fuelled by the progressive recovery of Justinian's *Corpus iuris*.¹¹ This *corpus* comprised four distinct elements: the *Institutes*, a basic introduction to the structure and vocabulary of the law; the *Codex*, in twelve books, but recovered in two stages (Books 1–9 and the so-called *Tres libri*, Books 10–12), an orderly compendium of the *leges*, Roman laws down to Justinian's own time; the *Digest* or *Pandects* comprising the opinions and definitions of Roman jurists, set out in fifty books, transmitted from the early twelfth century in four

9 Aldibrandi (below, n. 79); L. Genuardi, 'Il papa Eugenio III e la cultura giuridica in Roma', in *Mélanges Fitting*, ed. E. Meynial, 2 vols (Montpellier, 1907–8), ii, 385–90; d'Amia (below, n. 43); A. Padoa Schioppa, 'Le rôle du droit savant dans quelques actes judiciaires italiens des xie et xii^e siècles', in *Confluence des droits savants et des pratiques juridiques. Actes du Colloque de Montpellier ... tenu du 12 au 14 décembre 1977*, ed. H. Coing, et al. (Milan, 1979), 341–71; idem, 'Aspetti della giustizia milanese dal X al XII secolo', in *Atti dell'1^o Congresso Internazionale di Studi sull'Alto medioevo* (Spoleto, 1989), 459–549; G. Vismara, 'Leggi e dottrina nella prassi notarile italiana nell'alto Medioevo', *ibid.*, 313–40; M. Ascheri, 'Il ruolo della cultura giuridica in alcuni atti italiani dei secoli xi e xii', *Nuova Rivista Storica*, 64 (1980), 265–89; M. Valerani, 'Modelli processuali e riti sociali nelle città comunali', in *Riti e rituali nelle società medievali*, ed. J. Chiffolleau, et al. (Spoleto, 1994), 115–40. Cf. G. Grebner, 'Bologneser Notare vom 11. zum 12. Jahrhundert', in *Generationswechsel und historischer Wandel*, ed. A. Schulz and G. Grebner, *Historische Zeitschrift*, 36 (Munich, 2003), 21–41. For the wider context, see W. Stelzer, 'Die Rezeption des gelehrten Rechts nördlich der Alpen', in *Kommunikation und Mobilität im Mittelalter: Begegnungen zwischen dem Süden und der Mitte Europas (11.–14. Jahrhundert)*, ed. S. de Rachewiltz and J. Riedmann (Sigmaringen, 1995), 231–47; Italian trans., 'La recezione del diritto dotto a Nord delle Alpi', in *Comunicazione e mobilità nel Medioevo: incontri fra il sud e il centro dell'Europa (secoli XI–XIV)*, ed. de Rachewiltz and Riedmann, *Annali dell'Istituto storico italo-germanico*, Quaderno, 48 (Bologna, 1998), 397–425; S. Reynolds, 'The Emergence of Professional Law in the Long Twelfth Century', *Law and History Review*, 21 (2003), 347–66.

10 Fried, *Die Entstehung*, 35.

11 The title 'Corpus iuris civilis' was not applied to Justinian's law until the printed editions of the sixteenth century: K. Pennington, 'The Birth of the *Ius commune*: King Roger II's Legislation', *Rivista Internazionale di Diritto Comune*, 17 (2006), 23–60, at 36 n. 59.

parts;¹² and finally the *Novellae*, the 'new laws' issued by Justinian himself, mostly in Greek.¹³

The emphasis, however, was at first practical rather than theoretical. Roman law provided a series of actions, procedural forms which could readily be adapted to twelfth-century civic circumstances, for it was based on concepts of individual rights and obligations within a civic community. Those defrauded or injured by the defaults of others had judicial remedies, which obviated the need for self-help and reduced civil violence.¹⁴ Merchants could sue for the fulfilment of contracts or the repayment of loans; landowners could sue for the recovery of rented or stolen property; heirs could sue for their lawful share of an inheritance; minors could sue fraudulent guardians, etc. Nor was it necessary for legal practitioners to master the whole Roman corpus. Even the elementary *Institutes* (originally promulgated by Justinian on 21 November 533), which had been devised as an introductory handbook for novice lawyers, provided a clearly structured and relatively compact summary of the essence of Roman jurisprudence, together with a functional legal vocabulary capable of assimilation into a wide variety of contracts, sales, and leases. Set out in four books, it covered three broad categories of civil law, relating respectively to persons (Book 1), things (Books 2–3 and 4, titles 1–5), and actions (judicial remedies, Book 4, titles 6–28),¹⁵ predicated on the principles proclaimed at the outset (*Institutes* 1.1.1 and 3): 'Justice is

12 *Digestum vetus* (Books 1–24.2), *Infortiatum* (Books 24.3–35.2.82), *Tres partes* (= *Digest*, Books 35.2.82–38), and *Digestum novum* (Books 39–50): W.P. Müller, 'The Recovery of Justinian's *Digest* in the Middle Ages', *BMCL*, 20 (1990), 1–29, at 3. This may have reflected the stages in which the work was brought back into scholarly use at Bologna: *ibid.*, 13–14 and 28–9. The sixth-century copy of the *Digest* in two volumes (Books 1–29 and 30–50) now in Florence (*Codex Florentinus*), which reached Pisa c.1150, was used to correct the text of the Bolognese version. For a more controversial view of the survival and utilization of the *Digest*, see C.M. Radding and A. Ciaralli, *The Corpus iuris civilis in the Middle Ages* (Leiden, 2007), 168–210; but cf. the critical reviews by A. Gouron, *Tijdschrift voor Rechtsgeschiedenis* (*The Legal History Review*), 76 (2008), 183–6 and W.P. Müller, *Speculum*, 83 (2008), 1026–7.

13 Although not attached to the corpus in Justinian's time. Of these, 134, with the Greek translated into Latin, were known in the eleventh century (the *Authenticum*).

14 See the arenga of the *libellus* of Grottaferrata (1140): 'vigor iudiciorum iurisque publici tutela ideo in medio est constituta, ne quisquam sibi ipsi permittere valeat ultionem (the power of the courts and of the law was therefore established in the community for the protection of the public, lest anyone should be able to allow vengeance to himself)': T. von Sickel, 'Documenti per la storia ecclesiastica e civile di Roma', *Studi e documenti di storia e diritto*, 7 (1886), 101–22 + 195–212 + 316–36, 111–13 no. 4, at 111. See below, at n. 79. An action (*actio*) was defined in *Inst.* 4.6.pr as 'the right of suing before a court for that which is due to one (*jus persequendi iudicio quod sibi debetur*)'.

15 *Inst.*, 'Introduction' by Birks and McLeod, 13a–16a.

the firm and constant desire to give everyone his due. ... The precepts of the law are these: to live honourably, not to injure another, to give everyone his due (*Iustitia est constans et perpetua voluntas ius suum cuique tribuendi*. ... *Iuris praecepta sunt haec: honeste vivere, alterum non laedere, suum cuique tribuere*).¹⁶ Given that elements of the Roman system had survived through the period of the Germanic and Lombardic invasions, and were indeed preserved in fragmentary form by the Roman subjects of the new regimes, especially, but not only, in Italy, recognition of the value of the civil law for the formulation of claims and the defence of rights is not so surprising. Padoa Schioppa has argued that in Ravenna, for example, the use of Romanist language was ‘particulièrement précocse’. *Actio* occurs as early as 975, the *iuramentum calumnie* in 1029, and the *sententia diffinitiva* in 1055.¹⁷ More importantly, the *Novellae* and *Codex* were cited in a judgment by the *judex* Paulus in Ravenna on 19 December 975 to declare the principle of *res iudicata*: that what had been judicially decided should not be reopened, even by an imperial rescript.¹⁸ The progressive recovery of the whole Justinian corpus in the course of the eleventh century occurred in civic contexts whose own legal and judicial structures provided the personnel and *fora* that made it possible. Even the learned practitioners in the tradition of Lombard law were turning to the Roman to expand or to elucidate their own *Lombarda*.¹⁹

Simultaneously, and accelerated but not initiated by the eleventh-century reform movement in the Church, reformers like Bishop Ivo of Chartres, who was far from ignorant of the Roman law,²⁰ or the anonymous author of the *Collection in 74 Titles*, sought to organize and clarify the laws and processes of the Church – a drive which culminated, probably in Bologna,

16 Unattributed in the *Institutes*, but assigned to the Roman jurist Ulpian (d. 228) in *Dig.* 1.1.10§ 1. For a summary of Roman law, see R. Sohm, trans. J.C. Ledlie, *The Institutes: a textbook of the history and system of Roman private law*, 3rd edn (Oxford, 1907; repr. 1935).

17 Padoa Schioppa, ‘Le rôle du droit savant’, 345; for the oath of calumny, see below, at nn. 161–74.

18 Padoa Schioppa, ‘Le rôle du droit savant’, 344–5, ‘ut in libro legitur Novellarum’; ‘et in librum Codicum: “iustas causas vel lites legitimis transactionibus finitas etiam iam ab imperiali rescripto suscitari non oportet”’, citing *Cod.* 2.4.16, a decree of the emperors Diocletian and Maximian, AD 293. This principle is fundamental to modern jurisprudence.

19 Müller, ‘Recovery of Justinian’s Digest’, 6; Wickham, *Courts and Conflict*, 117. Somewhat controversially, Radding and Ciaralli see Pavia as the principal centre, *Corpus iuris civilis*, 80–4, 89–99, 120–6, 140–3, 179–85, 190–2, 211–13.

20 Martin Brett spoke of the ‘mass of texts of the Institutes, Code, Digest and *Autenticum* (combined with the *Epitome Juliani*) which Ivo was the first to incorporate on a significant scale’: ‘English Law and Centres of Law Studies in the Later Twelfth Century’, in *Archbishop Eystein as Legislator: the European connection*, ed. T. Iversen, Trondheim Studies in History (Trondheim, 2011), 87–102, at 91.

with the work of the obscure Master Gratian (c.1120–41×45),²¹ the different versions of whose *Concordia discordantium canonum*, generally called the *Decreta* or *Decretum*, reveal the influence of Justinian's law, especially its procedures and terminology.²²

Litigation before the papal court

Support for Bernard's and Gerhoch's comments is readily found. From 1151, for example, there survives a contemporary copy of the details of a case in which judgment was delivered and execution mandated by Eugenius himself.²³ The dispute was between two cardinals – or rather between their title churches: S. Prassede and its cardinal priest Hubald (1141–58) who, thirty years later became pope as Lucius III (1181–5)²⁴ vs S. Croce

21 For an excellent introduction to the continuing debate about Gratian's identity, see J. Noonan, 'Gratian Slept Here: the changing identity of the father of the systematic study of canon law', *Traditio*, 35 (1979), 21–48. For evidence that he later became bishop of Chiusi, see A. Winroth, 'Where Gratian Slept: the life and death of the father of canon law', *ZRG Kan. Abt.* 130/99 (2013), 105–28. For the *Collection in 74 Titles*, see now C. Rolker, 'The *Collection in Seventy-Four Titles*: a monastic canon law collection from eleventh-century France', in *Readers, Texts and Compilers in the Earlier Middle Ages: studies in medieval canon law in honour of Linda Fowler-Magerl*, ed. M. Brett and K.C. Cushing (Farnham, 2009), 59–72. He argues for a French origin (around Reims) and a monastic milieu.

22 Anders Winroth rightly lays great stress on the difference in use and knowledge of civilian texts between Recensions 'I' and 'II' (*The Making of Gratian's Decretum* [Cambridge, 2000], 156–74), but his proposed dating of 1139 for Recension 'I' and 'at the very latest, 1158' for 'II' (*ibid.*, 144), ignores the evidence of professional exploitation of the *Digest* and the *Codex* in the Farfa, Arezzo, and Grottaferrato cases (1060, 1125, 1140: below, at nn. 55, 57–66, 77–80), and the citation of a text from 'Recension II' in 1150 (below, n. 84). Canonists, in any case, could legitimately cite Roman law before ecclesiastical judges, including the pope himself, whether or not the text was in the *Decretum*. For Gratian's use of Roman law and his growing familiarity with the *Codex* and with the works of Bulgarus, his contemporary in Bologna, see K. Pennington, 'The "Big Bang": Roman law in the early twelfth century', *Rivista Internazionale di Diritto Comune*, 18 (2007), 43–70; also K. Pennington's review of Winroth in *Speculum*, 78 (2003), 293–7, esp. 295, for the Roman legal background. For the broader context, see P. Legendre, *La pénétration du droit romain dans le droit canonique classique de Gratien à Innocent IV* (1140–1254) (Paris, 1964). For the continuing debate about the dating and composition of the *Decretum*, see below, n. 86.

23 P. Fedele, 'Tabularium S. Praxedis', *Archivio della R. Società Romana di Storia Patria*, 28 (1905), 41–114, at 46–9 no. 25; for the facsimile, see *Archivio paleografico italiano: monumenti paleografici di Roma*, dir. E. Monaci, ii (1882), no. 71. Recently discussed in Wickham, 'Getting Justice in Twelfth-Century Rome', 113–14.

24 Hubald (Ubaldo) Allucingoli of Lucca, was successively CD of S. Adriano al Foro 1138–41, CP of S. Prassede 1141–58, CB of Ostia and Velletri 1158–81, and finally Pope Lucius III 1181–5; Brixius, 43, 90 n. 64; Zenker, 22–5; G.G. Merlo, *Enciclopedia dei papi*, ii (2000), 308–11.

in Gerusalemme, one of the seven pilgrimage churches of Rome, and its cardinal priest, another Hubald, who held the title for twenty-seven years from 1144 to 1170.²⁵

Although the litigants and their institutions came from the élite of the Roman Church, the matter was commonplace – a dispute over the possession of some estates – but the process is highly illuminating. Hubald of S. Prassede (and Peter, the archpriest and *oeconomus*/steward) sought to recover possession of three pieces of land, leased to S. Croce for six Pavian pennies a year, in which payment its treasurers/stewards had defaulted for three years. In the presence of the pope and eight cardinals,²⁶ the case was heard at Segni on 1 October 1151 by three *judices* appointed by Eugenius: two (both named Gregory) from Cori, an ancient *civitas* in the circuit of the *castelli Romani* to the south of Rome, and one, Peter, from Benevento. It is likely that such *judices* functioned as part of the administrative structures of their respective cities. It is not always clear how much legal training such men had, but they were experienced in civil affairs, familiar with the processes of their own courts, and accustomed to weighing evidence and legal opinion. Even more significantly, the *judices* from Cori and Benevento were joined by Master Aldericus/Aldricus, a Bolognese jurist, ‘then at the Curia’, whose knowledge of the learned law would have added weight to their deliberations.²⁷ Additionally, each side was represented by advocates (*advocati*): Benedetto de Leone²⁸ acted for the plaintiff, S. Prassede; the *judex* John and a certain Ildricius defended S. Croce (defendant); and both advanced their claims and defences on the basis of specific Roman

25 From Bologna, formerly canon regular of either S. Maria in Reno (Bologna) or, more likely, S. Frediano (Lucca): Brixius, 51, 103–4 n. 111; Zenker, 132.

26 Aribert, CP of S. Anastasia 1143–56 (Zenker, 72–3); Julius, CP of S. Marcello 1144–58, later CB of Palestrina 1158–64, papal vicar in Rome 1161–4 (Brixius, 52, 104–5 n. 114; Zenker, 42–3); [Master] Bernard (of Lucca), CP of S. Clemente 1145–58, later CB of Porto and Rufina 1158/9–76 (Brixius, 53, 105 n. 117; Zenker, 116, 183); [Master] Roland, CP of S. Marco 1151–9, previously CD of SS. Cosma e Damiano 1150, later Pope Alexander III 1159–81 (Brixius, 56–7, 112 n. 135; Zenker, 85–8; P. Brezzi, *Enciclopedia dei papi*, ii (2000), 291–9); Gregory, CD of SS. Angeli 1143–54, CB of Sabina 1154 (Brixius, 49, 97 n. 101; Zenker [correcting Brixius], 48–50); John, nephew of Lucius II, canon regular of S. Frediano (Lucca), CD of S. Maria Nuova 1143–52 (Brixius, 51, 100–1 n. 105; Zenker, 144–5); Guido (of Crema), CD of S. Maria in Portico 1145–58, later CP of S. Maria in Trastevere 1158–9, antipope ‘Paschal III’ 1164–8 (Brixius, 54, 107–8 n. 125; Zenker, 56–9; A. Piazza, *Enciclopedia dei papi*, ii (2000), 302–4); John (of Naples), CD of SS. Sergio et Bacco 1150–8, later CP of S. Anastasia 1158–83 (Brixius, 55–6, 110–11 n. 131; Zenker, 73–7).

27 See below, at n. 93.

28 For Benedetto de Leone, see G. Chiodi, ‘Roma e il diritto romano’, in *Roma fra Oriente e Occidente*, Settimane di Studio del Centro Italiano di Studi sull’Alto Medioevo 49, 2 vols (Spoleto, 2002), ii, 1141–254, at 1228–39.

actions derived from the *Codex* and *Digest*. Benedetto based his claim for re-possession on non-payment of the rent and cited two civilian grounds for action: the *condictio ex lege conductores rerum alienarum*, relating to the obligations of those who leased property from others,²⁹ as well as the *condictio sine causa atque triticaria*, which were actions for the recovery of property where an obligation had not been fulfilled, and the much more widely drawn claim for 'things (*res*)', including an estate (*fundus*).³⁰

To this, S. Croce's lawyers replied that they did not know what the money had been paid for, and that if it were paid for the claimed properties it was done in error, citing the *lex qui errat non consentit*,³¹ that a party who acts in error does not give (legal) consent. They further claimed that the rent should have been paid to someone else (un-named), from whom they held the object of the dispute (*causa*). There followed further arguments, in which S. Croce tried to wriggle out of its legal obligation on the ground that the documents relating to lease and rent held by S. Prassede were not drawn up in proper form, while Benedetto de Leone, for S. Prassede, rebutted all its arguments with witness and documentary evidence, supported by citations from Roman law,³² before concluding:

Notwithstanding that the present deed is in the form of a lease which you allege is not [drawn up] according to law, it [the deed] cannot decay, nor can that decay which you claim does not in law deserve the name of 'hiring' and 'by rent': it is nevertheless evident that it makes no difference as far as the subsequent recovery of possession transferred to another and lost. For the civil law clearly teaches that by changing my intention³³ what I own in my own name I can possess in the name of another, and, wishing in this way to cease possession, I can make someone else the possessor while continuing my agency (*continuo ministerio meo*).³⁴ Therefore we say that the *rectores* of the church of S. Croce clearly possessed [the land]

29 *Inst.* 3.24: 'Conductor omnia secundum legem conductionis facere debet'; cf. *Dig.* 19.2; *Cod.* 4.65; 11.71.

30 *Dig.* 12.7; *Cod.* 4.9. *Dig.* 13.3.1pr.

31 *Cod.* 1.18, *Dig.* 22.6: 'De iuris et facti ignorantia'. Cf. *Cod.* 1.18.10: 'Cum quis ius ignorans indebitam pecuniam persolverit, cessat repetitio. per ignorantiam enim facti tantum repetitionem indebiti soluti competere tibi notum est.'

32 'In novis digestis' (*Digestum novum*: above, n. 12): cf. *Dig.* 41.2; 41.2.34.0

33 *Voluntas* is used here to mean the wish or intention of the person, which had legal validity.

34 *Dig.* 41.2.18pr. This seeming contradiction turns on the distinction between the juristic possession (ownership) and physical possession (detention, occupation) of a thing: a person may loan or lease a thing to another who becomes the possessor of the *corpus* of the thing, without losing his juristic possession: cf. Sohm, *The Institutes*, 330–1.

in the name of S. Prassede, as shown both by the payment of the rent, proven by the testimony of many and by the receipts (*apoce*) which you have, and also by the *antapoca* – which is a copy of the *apoca* – which we have, for a term of 50 years.³⁵

At this point, Eugenius, cardinals, and judges retired to a private room, questioned S. Croce's *oeconomus* on the facts of the case, and received his formal *confessio*, which in Roman law was an admission of the plaintiff's claim. He acknowledged that he had indeed paid the specified rent to S. Prassede for the specified lands – an admission which relieved him from taking the oath of calumny.³⁶ After taking the counsel of the cardinals, the judges, and 'many others', the pope delivered judgment in the classical Roman form, using the first person singular:³⁷

I condemn Guido *oeconomus* of the church of S. Croce to restore to Peter, *oeconomus* of S. Prassede, all the lands about which there was a claim (*actio*) before us, and a corresponding defence.

Six days later, following the pope's mandate, Nicholas de Benencasa 'de regione Pinee'³⁸ duly invested Peter with corporal possession in the presence of fifteen named witnesses, including Benedetto de Leone, the winning advocate, Guido Nicolay, the baker (*furnarius*), and Otto, the *scriniarius*

35 The *apocha* was the receipt issued by creditor to debtor when the debtor repaid the debt; the *antapocha* was a copy of the same, signed by the debtor and given by him to the creditor on the same occasion: *Cod.* 4.21.19.1, 'si voluerit is qui apocham conscripsit vel exemplar cum subscriptione eius qui apocham suscepit ab eo accipere vel antapocham suscipere, omnis ei licentia hoc facere concedatur: necessitate imponenda apochae susceptori antapocham reddere'. See the definition in the fragmentary legal treatise (c.1160) edited by L. Fowler-Magerl, *Ordo iudiciorum vel ordo iudiciarius: Begriff und Literaturgattung*, Ius Commune: Veröffentlichungen des Max-Planck-Instituts für Europäische Rechtsgeschichte, Frankfurt am Main, Texte und Monographien, 19 (Frankfurt am Main, 1984), 264–72, at 265: 'Antapoca, quando debitor, quod reddiderit, subcribit et creditori cum debito scriptum committit, testibus nichilominus adhibitis'; *ibid.*, 56–7.

36 See below, at nn. 171–4.

37 Fedele, 'Tabularium S. Praxedis', 49: 'Condepmo Guidonem yconomum ecclesie Sancte Crucis in restitutione omnium illarum terrarum, de quibus petitio ante nos facta est et responsio subsecuta, videlicet Petro yconomo Sancte Praxedis.' Note a similar use of the first person in Eugenius's grant of an inheritable lease (*emphyteusis*) to Count Vicio (Vincenzo) of Montumano in 1153: *PL*, clxxx, 1599 no. 583. *Petitio* and *responsio* refer to the claim and counter-claim of plaintiff and defendant.

38 In the ancient ninth district of Pinea and S. Marco: L. Halphen, *Études sur l'administration de Rome au moyen âge (751–1252)* (Paris, 1907; repr. Rome, 1972), 10–11.

sancte Romane ecclesie (notary of the Holy Roman Church), who drew up the formal record.³⁹

As I Oddo, notary of the Holy Roman Church,⁴⁰ saw and heard, and it pleased the lord pope to command me to write [in] this charter how the sentence was given, preserving the truth, thus have I written, thus have I fulfilled and discharged [the mandate].

And when, in June 1160, S. Croce attempted to re-open the case before the court of the Roman Senate, the canons of S. Prassede successfully employed the *exceptio* (defence) of *res iudicata* on the authority of this document, described as 'the public deed issued by the Lord Pope Eugenius in favour of S. Prassede and against S. Croce'. Moreover, the Senate delivered its judgment on the basis of the written *consilium* of six named experts, which was scrutinized and presented to the court by a legally trained (*prudens*) senator (Nicolaus Iohannis Granelli).⁴¹

39 Fedele, 'Tabularium S. Praxedis', 49: 'Ego Oddo scriniarius sancte Romane Ecclesie sicut vidi et haudivi, et domnus papa michi precepit et placuit sibi, ut quemadmodum sententia data est, servata veritate, hanc cartulam scriberem, ita scripsi, complevi et absolvi.'

40 The same *scriniarius* drew up the record of the judgment in favour of the monastery of SS. Agnese e Costanza vs S. Maria in Monasterio delivered in the presence of Adrian IV on 11 April 1155: P. Fedele, 'S. Maria in Monasterio. Note e documenti', *Archivio della R. Società Romana di Storia Patria*, 29 (1906), 183–227, at 205–9 no. 1. Adrian had deputed the case to Cardinal Julius of S. Marcello and the *iudices* Gregory, *secundicerius*, Gregory de Primicerio *archarius*, and Bonisenior (Bonussenior), judge assignate (*dativus iudex*). The parties were represented by *advocati* (the same *iudex* John and Romanus *de Scriniario* acted for Domnus (ser) Romanus, *oeconomus* of S. Maria; the same Benedetto de Leone for the abbess and nuns of SS. Agnese e Costanza), and both presented Roman arguments: the *iudex* John and Romanus *de Scriniario* (for the plaintiffs) cited the *actiones in rem* and *per triticariam* and the *interdictum uti possidetis*; Benedetto de Leone (defending) claimed that the various arguments had no force since S. Maria had never had possession of the contested lands. Ultimately, when S. Maria's *oeconomus* (Romanus), after conferring with his advocates, refused to take the required oath of calumny (at nn. 161–74), because he was defending an unjust case, the judges, at the pope's command, pronounced for S. Agnese and released its abbess from the claims of S. Maria in Monasterio. This was not the end of the matter. S. Maria became a capitular church between 1155 and 1219, and the new patrons inherited the case against S. Agnese, which was still 'alive' in 1281. It was not resolved until 1348, when S. Agnese finally obtained the aptly named 'Mons della Questione' and 'Vallis de Lite'.

41 Fedele, 'Tabularium S. Praxedis', 53–4 no. 28, facsimile: *Archivio paleografico italiano: monumenti paleografici di Roma*, dir. E. Monaci, ii (1882), no. 71. Mario Ascheri distinguishes five types of *consilium*: 'Le fonti e la flessibilità del diritto commune: il paradosso del *consilium sapientis*', in *Legal Consulting in the Civil Law Tradition*, ed. M. Ascheri, I. Baumgärtner, and J. Kirshner (Berkeley, 1999), 11–53, esp. 15–17. This early Roman example seems to belong to the first category, in which the judge was bound by the opinion. For the Roman principle that

Eugenius, despite his Cistercian affiliation – and there is no doubt about his commitment to the Cistercian life, since he wore the habit under his papal robes until the day he died⁴² – was no stranger to such a Romanized process. After all, he came from Pisa, which had a fully fledged system of civic law with a *curia iudicum, iudices, notarii, causidici/advocati*, and *jurisperiti*,⁴³ as evidenced by surviving archiepiscopal⁴⁴ and communal documents,⁴⁵ as well as a practice of co-operation between archiepiscopal and urban courts and *iudices*.⁴⁶ Moreover, he had been *vicedominus*,

cases could not be re-opened once final sentence had been given, see above, n. 18. For a recent discussion, see Wickham, 'Getting Justice in Twelfth-Century Rome', 114–15.

42 'Adherebat carni eius lanea tunica: et diebus ac noctibus cuculla vestitus et sic ibat et sic cubabat, intus monachi habitum retinens et extra se pontificem et moribus et vestibus exhibebat, rem difficilem tenens diversarum in uno homine proprietatem exprimens personarum': *Ignoti monachi cisterciensis, S. Mariae de Ferrara Chronica ab anno 781 ad annum 1228*, ed. A. Gaudenzi, Società Napoletana di Storia Patria, ser. prima cronache (Naples, 1888), 1–61, at 28.

43 A. d'Amia, *Diritto e sentenze di Pisa ai primordi del rinascimento giuridico* (Pisa, 1960), 94; Classen, *Studium und Gesellschaft*, 68–82, esp. 74, for the list of seventeen *iudices sacri Lateranensis palatii* who appeared in solemn documents between 1061 and 1166.

44 *Regesto della chiesa di Pisa*, ed. N. Caturegli, *Regesta Chartarum Italiae*, 24 (Roma, 1938), 195 no. 300 (Pisa, 17 June 1126): confirmation by Abp Roger of Pisa of the sale of the Campo S. Maria, 'consilio et Pis. civ. consulum et sapientium tam iudicum quam causidicorum (with the advice both of the consuls of Pisa and of the learned, both judges and advocates) ... Albertinus consul interfuit ss.; ... sacri lat. pal. iud. interfuit ss.; Gerardus causidicus interfuit ss.; Rainerius causarum patronus ss.; Rolandus ss.; [Ugicio] iud. Henrici IV (!) Romanorum imp. interfuit ss.; Falco iud. sacri pal. ss.; Marchio causarum patronus ss.; Bonu[s] sacri lat. pal. iud. interfuit ss. S. m. Gualandi qd. Gualandi. (Albertino the consul was present: subscribed; ... judge of the holy Lateran Palace was present: subscribed; Gerard, advocate, was present: subscribed; Rainer, *causarum patronus* (advocate): subscribed; Roland subscribed; [Ugicio] judge of Henry IV (!) emperor of the Romans was present: subscribed; Falco, judge of the Sacred Palace subscribed; Marchio *causarum patronus* subscribed; Bonu[s] judge of the holy Lateran Palace was present: subscribed.); 204–5 no. 310, restoration of land to Abp Roger, 'In presentia Benthonis iud., Ugonis not. (In the presence of Benthon the judge, Ugo the notary) ... [witnessed by, among others] m. Sinibaldi advocati (master Sinibaldo, advocate)'.
45 d'Amia, *Diritto e sentenze di Pisa*, 251 no. 1 (6 Nov. 1139): sentence by 'Marchesius et Nerbottus iudices a consulibus et universo populo ad diffiniendas lites et controversias publicas seu privatas iudices dati'.

46 d'Amia, *Diritto e sentenze di Pisa*, 269–71 no. 1 and Plate 1 (18 Nov. 1141), from the record of the sentence delivered by Abp Balduino in the archiepiscopal Curia and 'datam per manum Cantarini pisane urbis cancellarii', in a case relating to tithes, 'causa hinc inde per disertos advocatos tam clericos quam laicos in presentia nostra sapienter discussa et pertractata taliter diffinitivimus (the case having been wisely discussed and investigated this way and that by learned advocates both clerics and laymen we have thus determined)'; *ibid.*, 93, Bento and Manfredo are described as advocates chosen jointly by the abp, consuls, and people: '*causarum patroni electi ab Uberto divina pietate pisanorum archiepiscopo et consulibus et universo populo*' (1135). Cf. *Carte dell'archivio arcivescovo di Pisa. Fondo Luoghi Vari*, 1 (954–1248), ed. L. Carraresi and G. Garzella, Biblioteca del 'Bollettino Storico Pisano', Fonti, 2 (Pisa, 1988), esp. 6–8

that is administrator of estates, for five years (1133–8) under Archbishops Uberto (1133–7/8) and Balduino (1138–45), before going to Clairvaux, and surviving archiepiscopal documents show his involvement in the granting and recovery of land and services.⁴⁷ When Eugenius became pope only seven years later, he had long experience of operating in an advanced legal environment, in which the Roman law on property management, loans, leases, and contracts was entrenched in current practice and, one might say, acclimatized. In promulgating its own Lombardo-Roman codes in 1160–4, only seven years after his death, Pisa proclaimed (admittedly with some exaggeration) that it had been 'living for a long time according to Roman law, while retaining certain elements of the Lombardic law (*Pisana itaque civitas a multis retro temporibus vivendo lege Romana, retentis quibusdam de lege langobarda*)'.⁴⁸ Such evidence of professional legal activity led Peter Classen and Chris Wickham to argue that law was taught at Pisa independently of

no. 3, the sentence (dated 9 Nov. 1161) of Carpino and Guido *publici Pisanorum iudices ad causas publicas seu privatas diffiniendas a consulibus electi*, in a case between Ugo, syndic of the monastery of S. Pietro de Monteverdi and Ugo, Tancred, and Tedice, counts of Castagneto: the syndic acted on the *condictio ex lege et rebus et libertatibus iniuste ablatis vel invasis* and also *ex constitutione nostra civili de decima parte proprietatis litis et ex sacramento consulum de expensis publicis et advocatorum*. 'Illi vero responderunt quod non iniuste abstulerunt nec invaserunt.' After witnesses testified, 'Unde nos iudices, visis et cognitis (*sic*) hinc inde testibus et rationibus, predictos comites ... in restitutionem possessionis tertia partis terrarum laboratoriarum Orzalis iamscripto domno Ugoni sindaco pro iamscripta ecclesia et monasterio et in solidos triginta et duos pro decima parte predictae tertiae partis terrarum laboratoriarum et in totidem pro expensis publicis in solidos viginti pro expensis advocatorum condemnamus.. (S) Ego Guido sacri Lateranensis palatii notarius et nunc publicus sententiarum et laudationum aliorumque contractuum scribe hanc sententiam iam scriptorum publicorum iudicum mandato scripsi'. For the practical co-operation between the leading citizens and the abp and their solidarity against the marchese and the territorial nobility, see Vignoli, *I costituti della legge*, lix–lxxiii. For a broader discussion, see Giovanni Tabacco, 'La sintesi istituzionale di vescovo e città in Italia e il suo superamento nella repubblica comunale', in *Egemonie sociali e strutture del potere nel Medioevo italiano* (Turin, 1974; 1979; repr. 1982), 397–427.

47 See, for example, *Regesto... di Pisa*, ed. Caturegli, 212 no. 320 (April 1133), where Trovato 'per fuste quas in suis manibus detinebat, refutavit in manum vicedomini eccles. piscopatatus (*sic*) S. Mariae Pis. de ii petie de terris'; cf. nos 324, 326, 348, 355, 358–9, 420. If the date, 9 May 1138, given by Horn (*Studien*, 34) for Bernard's last recorded appearance as *vicedominus* is secure, then he was still in office under Abp Balduino, who occurs on 22 April 1138 (*Italia pontificia*, iii, 325 no. 26).

48 From the prologue to the *Constitutum usus* (1160): d'Amia, *Diritto e sentenze di Pisa*, 111; *I costituti della legge e dell'uso di Pisa (sec. XII)*, ed. P. Vignoli, Istituto Storico Italiano per il Medio Evo (2003), esp. lv–lxxiii. The Lombardic element was considerable, however: C. Storti Storch, *Intorno ai Costituti pisani della legge e dell'uso (secolo XII)* (Naples, 1998). For the broader environment, see C. Violante, *Economia, società, istituzioni a Pisa nel Medioevo* (Bari, 1980); *Pisa nei secoli XI e XII: formazione e caratteri di una classe di governo*, ed. G. Rossetti, et al. (Pisa, 1979).

Bologna, although they are reluctant to speak of a 'school'.⁴⁹ One of its most distinguished sons, the great Burgundio – whom Eugenius would almost certainly have known in the 1130s – not only translated the Greek clauses in the *Digest*, but also functioned intermittently in Pisa from 1146 as *advocatus*, *causidicus*, and *causarum patronus*. From 1152 he was *iudex lateranensis palatii*; and in 1155/6 and 1164 he was *iudex pisanae reipublicae*. Burgundio's career was exceptional only in the high level of his achievements. A learned layman (with four sons) his mastery of Roman law and the Greek language enabled him to move easily between the lay and ecclesiastical worlds, to function as *iudex* both of the Pisan republic and of the Lateran Palace, and to represent the city in two missions to Constantinople and the Romano-German emperor in one.⁵⁰ Eugenius would also have known the *causidicus/causarum patronus* Manfred, whose legal career, which included the offices of *iudex publice electus* (1135–7, 1147), *iudex sacri lateranensis palatii* (1151), and judicial counsellor for Archbishops Balduino and Villanus (1138, 1155), can be traced from 1135 to 1156.⁵¹

Coming from a significant position in such an environment, it is unlikely that Eugenius would have been confused by the S. Prassede vs S. Croce case, and others like it; but one can well see how his former abbot (Bernard of Clairvaux) and the provost of Reichersberg (Gerhoch) would have found the citation of *leges* and *condictiones* disconcerting, although, according to his own testimony, in a dispute with a defender of the new Roman republic, Gerhoch had defended the validity of the *Constitutum Constantini* on the

49 Classen, *Studium und Gesellschaft*, 39–44, 69, 82–8; Wickham, *Courts and Conflict*, 108–19, esp. 118–19.

50 F. Liotta, 'Burgundione (Burgundio) da Pisa', *Dizionario biografico degli Italiani*, 15 (1972), 423–8; Classen, *Studium und Gesellschaft*, 74, 77–9; cf. his subscription to a judgment delivered by Abp Villanus of Pisa in 1156: '†Ego Burgundius sacri lateranensis palatii iudex et tunc publicus Pisanorum iudex et in hoc iudicio domini Villani archiepiscopi assessor, in hanc sententiam meo consilio datam. SS. (†I Burgundio, judge of the holy Lateran Palace and in this instance public judge of the Pisans and in this trial assessor (assistant) of the lord abp Villanus, have subscribed this sentence, given with my advice): d'Amia, *Diritto e sentenze di Pisa*, 274–5. His three embassies to Constantinople: 1136, as member of an imperial embassy; 1169/70 and 1192, representing Pisa. From the Greek, he translated the *De fide orthodoxa* of John of Damascus (c.675–c.745) and works by John Chrysostom (c.347–407). Chrysostom's commentary on the Gospel of St Matthew was dedicated to Pope Eugenius: Fried, *Die Entstehung*, 35. For the argument that Bulgarus taught Roman law in Pisa (ante 1130) before beginning his career at Bologna, see P. Landau, 'Bulgarus in Pisa: Die Anfänge des Pisaner Rechtsstudiums und die Nachcorrectur der Digestenvulgata', in *Honos alit artes: studi per il settantesimo compleanno di Mario Ascheri. La formazione del diritto comune: giuristi e diritti in Europa (secoli XII–XVIII)*, ed. P. Maffei and G.M. Varanini (Florence, 2014), 211–17.

51 Classen, *Studium und Gesellschaft*, 76.

ground that Constantine's grant to the papacy of authority over the city of Rome did not violate the law prohibiting the usucaption of public property (*res publicae*) by private persons. He described his adversary as a *ualenter literatus* (well educated) *causidicus*, and the debate took place in Rome before the pope himself.⁵²

The papal Curia was no stranger to this law, either, for the city of Rome, in company with Ravenna, Genoa, and Bologna, had preserved many Roman juridical forms.⁵³ Padoa Schioppa showed that the *Codex* was used in courts from the end of the tenth century, not only indirectly (through the *Summa Perusina*) but directly, citing a condemnation to fourfold damages (*quadruple*) in 994, 'quod lex romana iubet';⁵⁴ and its citation in the famous case between Farfa and the Crescentii (28 April 1060), heard before Pope Nicholas II, Humbert of Silva Candida, and Hildebrand (later Gregory VII 1073–81). When the Crescentii (father and sons) failed to appear, Nicholas asked the judges how he should proceed. Their unanimous reply cited *Cod.* 7.65.1 to the effect that a contumacious defendant who was condemned in his absence had no right of appeal:⁵⁵

with one voice they all quoted the chapter of the book of Justinian's *Codex* which says: 'No appeal can be accepted from the obstinately absent who has been condemned after summary examination of the affair'.

Sixteen years later (March 1076), the Marturi case provided the first literal citation of the *Digest* after five hundred years.⁵⁶

52 *Letter to Pope Hadrian*, 95; cf. Gerhoch's commentary on Psalm 64: *PL*, clxiv, 9–116, at 19–21. See *Inst.* 2.6; Sohm, *The Institutes*, 303.

53 Padoa Schioppa, 'Le rôle du droit savant', 346; Wickham, *Courts and Conflict*, 118 n. 27; Toubert, *Les structures*, ii, 1191–348; Halphen, *L'administration de Rome*, esp. ch. 5, 'Les juges', 37–52.

54 'Le rôle du droit savant', 346.

55 'Le rôle du droit savant', 347–9; *Il Regesto di Farfa compilato da Gregorio di Catino*, ed. I. Giorgi and U. Balzari (Rome, 1874–1914), iv, 300–2 no. 906, at 301: 'omnes consono voce dixerunt capitulum libri Codicis Iustiniani, ita dicentis: "eius qui per contumaciam absens condemnatus est negotio prius summam perscrutatio, appellatio recipi non potest"'; see *Cod.* 7.65.1. Padoa Schioppa, 'Le rôle du droit savant', 347–9, who pointed out (348) that the judges misused the *Codex*. For the case, see Toubert, *Les structures*, ii, 1220–6. The execution of the judgment was left to the men of Farfa, who were authorized to assert their claim in whatever way they could: 'habeant potestatem vindicandi quoquomodo possent'.

56 Padoa Schioppa, 'Le rôle du droit savant', 349–51, at 349; *I placiti del regnum Italiae*, ed. C. Manaresi, *Fonti per la storia d'Italia*, 92, 96–7, 3 vols (Rome, 1955–60), ii/1, 367 no. 236. The previous literal citation occurred in Gregory I's instructions to the Defensor Joannes on the case

The professionalization of law

The use or misuse of written authorities is a significant indicator of rising levels of legal learning, but equally important is the emergence of professional or semi-professional lawyers. There is retrospective evidence that as early as 1123, Bishop Gualfridus of Siena employed Master Odericus, *advocatus*, in the long-running dispute between the bishoprics of Siena and Arezzo about jurisdiction over eighteen parish churches which had been appealed in 1123 to Calixtus II (1119–24).⁵⁷ The testimony of Mentone, a Sienese citizen, presented in 1177–80,⁵⁸ shows that some, perhaps many, cases were conducted by *causidici*, trained, or at least experienced, advocates, in the first quarter of the twelfth century. Mentone's assertion is supported by Calixtus's summary (1 April 1124), which describes how the pope had 'listened patiently (*nobis patienter audientibus*) to the various legal arguments (*diversis rationibus*) and lengthy altercations (*longis altercationibus*) presented both by you (the bishops of Siena and Arezzo) and by your legally learned advocates (*tam per vos quam per advocatos vestros legisperitos*)'.⁵⁹ The bishop of Siena secured temporary possession in April 1124, but both bishops were back at the Lateran before the end of the year. Calixtus's death on 13 December 1124, however, meant that the case came before Honorius II (1124–30), where it produced what Wickham called 'the most Romanist hearing hitherto known in Tuscany'.⁶⁰ The case

of Bp Januarius of Málaga, which cited *Dig.* 48.4.7§ 3: *PL*, lxxvii, 1299, 'sicut lib. Pandectarum XLVIII, ad legem Juliam majestatis, scribit Modestinus, lege Famosi, paulo post principium'.

57 *Documenti per la storia della città di Arezzo nel medio evo*, ed. U. Pasqui, *Documenti di Storia Italiana*, 11, 13–14, 3 vols (Florence, 1899–1937), i (1899), 519–73 no. 389, at 569: 'et vidi magistrum meum Odericum tunc movere secum, ut secum esset coram domino papa Rome et ut ei foret advocatus in cause quam super ecclesiis illis, unde modo lis est, tunc habebat adversus aretinam ecclesiam (and I saw my master Odericus move with him [Gualfridus of Siena], so that he would be with him in the lord pope's [Calixtus II] presence in Rome and act as his advocate in the case relating to those churches about which there is now a dispute, which he then had against the church of Arezzo)'. See the *Libellus contra senensem episcopum pro aretino confectum* (ibid., 25–6 no. 9, to be dated 1125 × 30, perhaps after 1128: E. Besta, 'Il diritto romano nella contesa tra i vescovi di Siena e d'Arezzo', *Archivio storico italiano*, Ser. 5, 37 (1906), 61–92, at 62–74. For this extraordinary case, which involved the two bishoprics on and off for 500 years, see Wickham, *Courts and Conflict*, 286–91, and Besta's magisterial study, 'Il diritto romano'.

58 Wickham, *Courts and Conflict*, 286 n. 18 suggests 1177, but allows 'a couple of years either way'.

59 *Documenti ... di Arezzo*, ed. Pasqui, 432–4 no. 318, at 433. Padoa Schioppa, 'Le rôle du droit savant', 352–3, cited an example of *causidici* acting in a case involving the monastery of S. Prospero de Reggio heard in the tribunal of Countess Matilda of Tuscany as early as 1098.

60 *Courts and Conflict*, 286.

is recorded in Honorius's confirmation of the judgment of his *iudices* in favour of Arezzo.⁶¹ After a short *arenga*, which echoed Ulpian's definition of justice (*Sicut autem iuris precepta servantibus convenit honeste vivere, ita expedit unicuique ius suum tribuere*),⁶² the bull rehearsed the evidence and the legal arguments presented by the parties and their counsel, the (temporary) confirmation of Calixtus's original judgment by Honorius (and the cardinals and assessors), and Arezzo's counter-challenge. Altogether eleven different 'imperial constitutions' were cited *verbatim*, six from the *Codex* and five from the *Digest*, some *in extenso*.⁶³ Finally,

After examining the legal arguments of both parties and very carefully questioning the advocates whether they could add anything new, after both parties, touching the holy gospels, had taken the oath of calumny,⁶⁴ our judges by common consent (*communi assensu*) issued this sentence in writing.

In the name of the Lord, I Ferrucius, *primicerius* of the judges of the holy Lateran palace, with the consent of the judges, namely Benedict, judge assignate (*dativus*) and Guitto, first defensor, judge⁶⁵ and Ildicio of Tivoli, and the advocates Nykolas and Seniorile, order Gualfredo bishop of Siena to make restitution of sixteen parish churches to Guido bishop of Arezzo and his church; concerning two further churches I order the same, if the church of Siena possesses them ... saving the question of the

61 *Documenti ... di Arezzo*, ed. Pasqui, 438–42 no. 322 (5 May 1125).

62 *Inst.* 1.1; *Dig.* 1.1.10§ 1 (above, at n. 16). This citation is at least ten years earlier than that highlighted by Professor Pennington in 'The "Big Bang"', 50.

63 *Cod.* 7.50.1; 7.52.1; 7.50.3; 8.4.7; 7.39.8 § 3; 7.32.12; *Dig.* 4.2.13; 41.2.3§ 3; 41.2.23pr; 41.2.1§ 21; 41.2.3§ 1; *Documenti ... di Arezzo*, ed. Pasqui, 439–40; Besta, 'Il diritto romano', 77–9.

64 This clause conceals a significant legal event, for clerics had been exempted from the oath of calumny since a decree of Emperor Henry III in 1047 had confirmed their personal immunity, requiring such oaths to be taken by agents, if necessary. Honorius II's later decree on the same subject re-stated the imperial ruling, but, referring back to his concession in this case, allowed bishops to swear if they had papal approval: see below, after n. 165.

65 For the distinction between the 'judges in ordinary', the seven titled officials of the papal court who had anciently administered Rome (*primicerius*, *secundicerius*, *nomenclator*, *primus defensor*, etc.) and the more numerous corps of non-titled judges (*iudices*) who were assigned (*dativi*) to particular cases, see Halphen, *L'Administration de Rome*, 37–52; the titled officials are listed *ibid.*, 89–146. From the time of Innocent II (c.1138), the papal camera was distributing £100 *Papiensis* between the 'judges and advocates of the city of Rome': *Liber pontificalis*, ii, 383; cf. the disbursements to the *primicerius iudicum Urbis* and forty-five *iudices* in 1299: A. Theiner, *Codex diplomaticus dominii temporalis S. Sedis: recueil de documents pour servir à l'histoire du gouvernement temporel des États du Saint-Siège: extraits des Archives du Vatican*, 3 vols (Rome, 1861), i, 365. I am grateful to the late Dr John Doran for this reference.

proprietary right of the church of Siena Given ... [on the 12th day of the month of April].

We, therefore, having taken the advice (*communicato consilio*) of our brethren the bishops and cardinals, have confirmed that sentence by the authority of the Apostolic See.

[There follows a list of the churches and the attestations of twenty-two cardinals, Bishop Berengar of Orange (1107–27), and Peter, prefect of Rome].

Given at [the Lateran] by the hand of [Aimeric], cardinal deacon of the holy Roman Church and C[hancellor, on 5 May] ... in the year of the Lord's incarnation [1125].⁶⁶

In such a context, Honorius II's appointment of Master Guido di Castello as cardinal deacon of S. Maria in Via Lata in 1128 is unsurprising. That Guido, who finished his career as Pope Celestine II (1143–4), was almost certainly a legal specialist,⁶⁷ for in 1144 he bequeathed a *Liber Digestorum et codicum* and *Epistolas decretales in duobus uoluminibus*⁶⁸ to the cathedral of Città di Castello, where he had been a canon in his youth. On the evidence of his decretal *Videtur nobis*, which has been variously attributed to Celestine I, Clement III, or Eugenius III, Peter Landau has argued not only that Celestine II was the first pope to use Gratian's *Decretum* as an authoritative law book, but that he also knew the *codex Justinianus*.⁶⁹

66 Translated from *Documenti ... di Arezzo*, ed. Pasqui, i, 440–2. For a discussion of this case and challenge to Chris Wickham's underestimation of the role of Roman law, see now K. Pennington, 'Roman Law at the Papal Curia in the Early Twelfth Century', in *Canon Law, Religion, and Politics: liber amicorum Robert Somerville*, ed. U.-R. Blumenthal, A. Winroth, and P. Landau (Washington DC, 2012), 233–52, esp. 236–49.

67 CD of S. Maria in Via Lata 1128–33, CP of S. Marco 1133–43: Brixius, 34–5, 75 n. 17; Zenker, 83–4; I.S. Robinson, *The Papacy 1073–1198: continuity and innovation* (Cambridge, 1990), 106.

68 A. Wilmart, 'Les livres légués par Célestin II à la cathédrale de Città-di-Castello', *Revue Bénédictine*, 35 (1923), 98–102, at 101. It is not known how much of Justinian's *Digest* and *Codex* was comprised in the *Liber Digestorum et codicum*, since they were recovered piecemeal (above, n. 12) and the record does not specify whether there was more than one volume; the 'decretal letters' have not been identified.

69 'Papst Cölestin II. und die Anfänge des kanonischen Eheprozessrechts', in *De processibus matrimonialibus: Fachzeiten zu Fragen des Kanonischen Ehe- und Prozeßrechtes*, ed. E. Güthoff and K.-H. Selge, 13 (Frankfurt am Main/Berlin, etc., 2006), 57–71, at 70–1. For the various attributions, see Holtzmann, 'Kan. Erg.' [1], 84 no. 22; cf. *Decretum*, C.35 q.6 c.2 (palea): 'Celestinus'; X 4.18.3 (Clement III). For knowledge and use of the *codex* in Norman Sicily in the same period, see Pennington, 'The Birth of the *Ius commune*', esp. 26–8, reassessing the evidence of the collection of legal sources (including royal legislation usually attributed to the 'Assize of Ariano', 1140) in Vatican City, BAV ms lat. 8782.

Guido/Celestine may not have been the first member of the Sacred College to be acquainted with the learned law. Aimeric, the Burgundian-born chancellor who issued the papal confirmation just cited, had been a canon regular of S. Maria in Reno near Bologna before appointment as cardinal deacon of S. Maria Nuova and Chancellor by Calixtus II in 1123.⁷⁰ That Bolognese connexion explains his acquisition, sometime before 1137,⁷¹ of a specially composed treatise on Roman procedure from Bulgarus (†c.1166), the leading Bolognese doctor of Roman law, who called it 'a share in the mysteries of the law (*eorum quae iuris sunt archana, participem*)'.⁷² Aimeric and Guido were soon joined by others who shared their lore, for Innocent II (1130–43) appointed four legally learned *magistri* to the College of Cardinals between 1135 and 1141.⁷³ Their appointment may have been related to the instructions issued to French and German prelates, probably at Pisa in 1135, in which Innocent reiterated the principle that *causae maiores* should be referred to the Apostolic See and urged (*Exhortamur*) judges to respect litigants' right of appeal.⁷⁴ Not only do these letters contain the first example in a twelfth-century papal letter of a quotation from the *Digest*, which is

70 Aimeric, CD of S. Maria Nuova 1123–41, was certainly prominent in judicial affairs: Brixius, 32, 71 n. 2; Zenker, 142–4, 237–8.

71 Date suggested by A. Gouron, 'Le rôle de l'avocat selon la doctrine romaniste du douzième siècle', in *L'assistance dans la résolution des conflits. Quatrième partie*, Recueils de la société Jean Bodin pour l'histoire comparative des institutions, 65 (Brussels, 1998), 7–19, at 7 (repr. with the same pagination in idem, *Pionniers du droit occidental au Moyen Âge*, CS 865 [Aldershot, 2006], no. XV): 'avant 1137'. Pennington dates its composition 'before 1130': 'The "Big Bang"' (above, n. 22), 52.

72 Known variously as *Excerpta legum edita a Bulgarino causidico* and *De iudiciis*, ed. L. Wahrmund, *Quellen zur Geschichte des römisch-kanonischen Processes im Mittelalter*, iv/1 (Innsbruck, 1925), 1–17, at 1. For its use as an *ordo iudiciorum* (judicial handbook): see L. Fowler-Magerl, *Ordines Iudiciarii* and *Libelli de Ordine iudiciorum*, Typologie des sources du moyen âge occidental, 63 (Turnhout, 1994), 24–7, 29–31; on *ordines* in general, see W. Litewski, *Der römisch-kanonische Zivilprozeß nach den älteren ordines iudiciarii*, 2 vols (Kraków, 1999).

73 Master Boetius, CD of SS. Vito e Modesto 1135–8, CP of S. Clemente 1138–43 (Brixius, 41, 87 n. 49; Zenker, 116); Master Ivo of Chartres, from Saint-Victor, Paris, pupil of Gilbert de la Porrée, CD of S. Maria in Aquiro 1136–8, CP of S. Lorenzo in Damaso 1138–42 (Brixius, 44, 92 n. 69; Zenker, 77–9); Master Thomas of Milan, CP of S. Vitale 1141–6 (Brixius, 47, 96 n. 86; Zenker, 114); Master Hubald, CP of SS. Giovanni e Paolo 1141–9 (Brixius, 43, 90 n. 64; Zenker, 136); cf. Robinson, *The Papacy*, 106–7.

74 *Tunc pax et caritas*: PL, clxxix, 226–7 and 342–3 nos 178 and 295, the first of which bears the date 'Data Pisis .III. Kal. Junii', and the second, 'II Kal. Decembris, indict. I, Incarnationis Dominicae anno 1137', but, as Pennington pointed out ('The "Big Bang"', 50 n. 31), the second date, together with the subscription of six cardinals, were not in Migne's source, and may represent a printer's error. The most likely solution, it seems to me, is that both letters were issued at the same time, and the most likely context is the council that met at Pisa on 26 May 1135. This date correlates nicely with that given for ep. 178 ('Pisa, 30 May'), taken by Migne from B. Pez,

distinct from the repetition of citations by litigants,⁷⁵ but Pennington also thought, mistakenly, that there were also echoes of Bulgarus's *Excerpta legum* in their formulation.⁷⁶

The advance of Roman law

I. Rome and the Curia

Further evidence of the advance of the Roman law is provided in the remarkable *libellus*, detailing the complaints of the great Basilian monastery of Grottaferrata against the count of Tusculum and his wife for violent seizure of its properties, which was presented to Innocent II in 1140.⁷⁷ After asserting the utility of the *iura Romana*, whose *actiones etenim sunt invente divino nutu* ('actions were devised by divine favour'), it supported its claims by appeal to the *interdictum 'Unde vi'* (*Cod.* 8.4; *Dig.* 43.16), the *condictio ex lege 'Si quis in tantam'* (*Cod.* 8.4.7),⁷⁸ the *condictio ex lege 'Non ab re est'* (*Cod.* 8.4.10pr), and the *actio iniuriarum in factum constructa* (an action for damages constructed on the facts of the case), reinforced by the constitution *Male agitur cum dominis* (*Dig.* 7.39.2pr). All were grounds of action available to victims of violent dispossession. In addition to such accurate citations of *Cod.* 7 and 8, the *arenga*, quoted above,⁷⁹ drew on a constitution of Honorius and Theodosius II as transmitted through *Cod.* 1.9.14. On the basis of this mastery of the relevant *leges*, Aldibrandi concluded that the *libellus* represented the work of a *iurisperitus*, a man learned in the law, whose skill went far beyond the basic knowledge of ordinary notaries who could draw

Thesaurus anecdotorum novissimus, 6 vols (Augsburg, 1721–9), vi/1, 308–9. 'Causae maiores' meant questions relating to episcopal rights and status.

75 Compare *PL*, clxxix, 226 and 342, 'appellandi usus ... corrigat' with *Dig.* 49.1.1, 'Appellandi usus ... recorrigat': cited Pennington, 'The "Big Bang"', 51.

76 Pennington, 'The "Big Bang"', 51–2; effectively challenged by A. Gouron, 'Innocent II, Bulgarus et Gratien', in *Vetera Novis Augere: studia i praece dedykowane Profesorowi Wacławowi Uruszcakowi* (*Studies and Essays Dedicated to Professor Wacław Uruszcak*), ed. S. Grodziski, et al., 2 vols (Kraków, 2010), i, 255–60, who demonstrated (257–8) direct use of the *Digest* and *Codex*; see A.J. Duggan, 'Jura sua unicuique tribuat: Innocent II and the advance of the learned laws', in *Pope Innocent II (1130–43). The World vs the City*, ed. J. Doran and D.J. Smith (London/New York, 2016), 272–310.

77 Sickel, 'Documenti', above, n. 14; *Italia pontificia*, ii (*Latium*), 44 no. 10.

78 Also cited in full in the advice prepared for the bp of Arezzo 1128–30: *Documenti ... di Arezzo*, ed. Pasqui, 25–6 no. 9, at 25. The radically revised date is from Besta, 'Il diritto Romano', 74.

79 At n. 14; cf. I. Aldibrandi, 'Osservazioni giuridiche sopra un ricorso de' monaci di Grottaferrata al pontefice Innocenzo II', *Studi e documenti di storia e diritto*, 8 (1887), 201–12, at 203.

up legal documents by copying and modifying ancient formularies. He suggested, not only that the monks of Grottaferrata employed a consultant from Bologna, but also that the complaint was written in the expectation that the pope and the members of his *auditorium* were well versed in the science of the Roman law.⁸⁰

In the case between the canons of the cathedral of Massa Marittima and the abbot of S. Bartolomeo di Sestinga (9 March 1150) concerning the parish church of Sant'Andrea in the castello of Valle and tithes from certain lands, the judge, Bishop Ranieri of Siena (who had been chosen by the parties with the pope's approval), summarized the positions of the parties in civilian terminology (the claim of the canons was their *intentio*, to rebut which the abbot claimed the prescription of forty years in relation to the church) and pronounced his judgment, like Eugenius in the S. Prassede case, in Roman form – *Ego Rainerus Senensis aecclesie episcopus, utriusque partis et domini papae voluntate electus iudex ... auditis allegationibus utriusque partis ... iam dicte aecclesiae abbatem absolvo*. The formula *auditis allegationibus utriusque partis* had an ancient lineage,⁸¹ but its re-introduction into legal vocabulary at the end of the eleventh century⁸² signalled the beginning of the professional advance that was to transform legal practice.⁸³ In giving judgment on both pleas, moreover, Bishop Ranieri cited authorities from Causa 16 of the *Decretum*: 'the sacred decrees of Urban and Nicholas' (C.16 q.2 c.6; C.16 q.2 c.8), 'the decree of Gelasius' (C.16 q.3 c.5), 'the council of Mainz' (C.16 q.1 c.46), 'the decree of St Gregory' (C.16 q.4 c.2), 'the decree of

80 Aldibrandi, 'Osservazioni giuridiche', 207–8. Equally striking is the memorandum from 1155, relating to the extended dispute between the canons of Pisa and the monks of S. Rossore about possession of the forest of Tombolo, in which the parties cited three different parts of the *Corpus iuris civilis* (*Digest*, *Codex*, *Novellae*, but not the *Infortiatum* and the *Tres libri*) as well as Gratian's *Decretum* ('Recension II'): Classen, *Studium und Gesellschaft*, 99–125 (including the text, 103–25); Wickham, *Courts and Conflict*, 144–50. For the enhanced judicial role of the cardinals, see Robinson, *The Papacy*, 139, 145.

81 For example, Leo I's judgment on the dispute between Arles and Vienne (440–61), *PL*, Iv, 883–4 no. 66: 'Consideratis enim allegationibus utriusque partis'; Symmachus (513) confirming Leo's judgment: *PL*, lxii, 64–5 no. 8, at 65.

82 E.g. Urban II's judgment in the dispute between monasteries in Angers and Vendôme (1092): *PL*, clvi, 354–6 no. 69, at 355: 'Cum enim utraque pars suis nobis allegationibus obviaret'.

83 A. Gouron, 'Utriusque partis allegationibus auditis', in *Justice et justiciables: mélanges Henry Vidal*, Recueil de mémoires et travaux publié par la Société d'histoire du droit et des institutions des anciens pays de droit écrit, fasc. 16 (Montpellier, 1994); repr. with the same pagination in idem, *Juristes et droits savants: Bologne et la France médiévale*, CS 679 (Aldershot, 2000), no. XVI, 35–45, esp. 40.

Paschal' (C.16 q.1 c.47).⁸⁴ A more telling example of the marriage between Roman process and canonical jurisprudence would be hard to find. Equally important is the evidence it provides, not only of the judicial use of Gratian's *Decretum*, but for the dating of the so-called Recension II. Its citation of Paschal II's decree,⁸⁵ which occurs only in the expanded version, suggests that 'Recension II' must, contrary to Winroth's original view,⁸⁶ have been in circulation by 1150 at the latest.

The documents relating to the cases of S. Prassede, Grottaferrata, and Massa Marittima provide a rare insight into the presentation of legal arguments. More often than not such details are omitted from the final judgment, but even then the professional character of the process is conveyed by specialized formulae. A typical example is Eugenius's judgment (1151) in the dispute between Abbot Azo and the monks of S. Andrea (Mantua) on the one hand and the archpriest and canons of the cathedral on the other about the use of a wood and possession of several churches.⁸⁷

Each party appeared in our presence (*utraque pars nostro se conspectui prese[nta]uit*), competently expounded its claims, arguments, and evidence by prudent advocates (*allegationes et testationes suas per prudentes aduocatos sufficienter exposuit*). ... We carefully heard and inspected everything and conferred at length about them with our

84 P. Nardi, 'Fonti canoniche in una sentenza senese del 1150', *Studia Gratiana*, 29 (1998), 661–70. C.16 q.1 c.47 is not in Winroth's 'Recension I'. For the latest defences of the early dating, see A.A. Larson, 'An Abbreviatio of the First Recension of Gratian's *Decretum* in Munich?', *BMCL*, n.s., 29 (2012–13), 51–118; M.H. Eichbauer, 'From the First to the Second Recension: the progressive evolution of the *Decretum*', *ibid.*, 118–68; M. Hartmann, 'The Letter Collection of Abbot Wibald of Stablo and Corvey and the *Decretum Gratiani*', *ibid.*, 35–50.

85 *Decimas a populo*: JL 6443.

86 Winroth, *Making of Gratian's Decretum*, 130–46, at 144: 'at the very latest, 1158'. For arguments in favour of an earlier dating of the *Decretum* (1120s for 'Recension I'; 1130s for an intermediate version; c.1140 for 'Recension II'), see Pennington, 'The "Big Bang"', 45–6. That concept of 'recensions', however, is now being challenged in favour of pre-Vulgate 'stages' preceding the Vulgate version (c.1140): K. Pennington, 'The Biography of Gratian, the Father of Canon Law', *Villanova Law Review*, 59 (2014), 679–706; but see A. Winroth, 'Critical Notes on the Text of Gratian's *Decretum* 1–4', at <https://sites.google.com/a/yale.edu/decretumgratiani/> accessed 18.6.2016 and J.C. Wei, 'The Later Development of Gratian's *Decretum*', *Proceedings... Toronto 2012*, 149–61, which allows for 'multiple archetypes' of Recension II (Bologna, *ante* 1150?), from which descended different families of manuscripts before the adoption, in the thirteenth century, of the *pecia* system of textual reproduction associated with the schools in Bologna and elsewhere.

87 *PU Italiani*, i, 164–6 no. 3. Compare Eugenius III's judgment in the Massa Firminiana dispute between Abp Moses of Ravenna and Bp Grifo of Ferrara (2 June 1152), *ibid.*, 55–8 no. 4, signed by eighteen cardinals.

brethren. Accordingly, having carefully examined and reviewed these matters, after collecting and weighing the advice of all our brethren, we release (*absolvimus*) you and your monastery from the canons' petition regarding the use of the wood.

II. Wider Italy (Emilia Romana, Lombardy, Tuscany, Umbria)

Eugenius's pontificate coincided with an important advance in the professionalization of legal practice in Modena, Bologna's next-door neighbour, so to speak, and also civic rival. Although the existence of *judices* and *causidici* can be traced in the city from 1115,⁸⁸ Johannes Fried showed that Eugenius's appointment of the Bolognese Master Hildebrand (Ildebrando Crasso), cardinal deacon of S. Eustachio,⁸⁹ to take charge of Modena in the early 1150s marked a turning point.⁹⁰ During his short period as *rector et procurator* of the diocese (c.1154–6), Cardinal Hildebrand transformed the judicial environment of the city with his employment of five *judices*. Within a year of Hildebrand's departure, the new bishop (Enrico 1157 [el. 1155]–73) was employing the very same Master Aldricus who had served as a *judex* in the S. Prassede case in 1151,⁹¹ for he appeared as a witness to a decision of Cardinal Hildebrand delivered in Bologna in 1154.⁹² His absence from Bolognese records between 1154 and 1169 led Fried to suggest that Aldricus taught Roman law in Modena between 1154 and 1169, well before the much more renowned Pillius of Medicina (from c.1182).⁹³

88 Fried, *Die Entstehung*, 177, 227–8

89 A Bolognese jurist, CD of S. Eustachio 1153–6, CP of SS. Apostoli, 1156–78: Brixius, 55, 109 n. 128; Zenker, 107–8.

90 This had followed Eugenius's suppression of the bishopric (1148) as punishment for Modena's violent invasion and devastation of the territory of the ancient monastery of Nonantola, including destruction of the monastic buildings: *PL*, clxxx, nos 316, 339, 344; *JS HistPont*, 50 (ed. Arndt, *MGH SS*, xx, 533). For the long-running and violent dispute between Modena and Nonantola, see G. Tiraboschi, *La storia dell'augusta badia di S. Silvestro di Nonantola*, 2 vols (Modena, 1784–85), i, 112–21; A. Leonelli, 'Le novità del secolo XII', in *Storia dell'arcidiocesi di Modena-Nonantola*, ed. A. Barbieri, A. Leonelli, and G. Montanari, 2 vols (Modena, 1997), i, 192–7; R. Rölker, *Adel und Kommune in Modena: Herrschaft und Administration im 12. und 13. Jahrhundert*, Europäische Hochschulschriften, Reihe III, Geschichte und ihre Hilfswissenschaften 604 (Frankfurt am Main, 1994), 183–5, 335–6. Innocent II's judgments: Tiraboschi, ii, 245a no. 251 (*PL*, clxxix, 257 no. 212), 247b–8a no. 257 (*PL*, clxxix, 447–8 no. 389).

91 Above, at n. 27; Fried, *Die Entstehung*, 187.

92 Fried, *Die Entstehung*, 188.

93 Fried, *Die Entstehung*, 120–2, 187–9, 230–2, 'Am Hof des bologneser Kardinals in Modena entstand – zum ersten Male für die Stadt – ein besonderes Juristen gremium', naming Adelardus,

Remarkable visual evidence of the absorption of the learned law into the culture of this city is provided by the Giudici capital, now dated c.1169, in the south window of the Stanza dei Torresani in the cathedral's bell tower (Torre della Ghirlandina). Although damaged and partly obscured by later repairs, two striking images can be discerned. The first shows a crowned and enthroned figure, with a superscript titulus, IUDEX IUSTUS ('the Just Judge'), sometimes identified as the emperor Justinian. He holds an open book, inscribed ULPIANU(S) | LIB(ER) DIG(ESTORUM). Ulpian was the greatest of the classical jurists, whose opinions comprised about a quarter of those contained in 'the Book of the Digests', the compendium of Roman jurisprudence whose recovery had transformed the practice of law. On the Judge's right stands a petitioner; on his left stands a winged angel, touching the crown with his right hand, and bearing in his left a scroll with the words, IUDICA EQU(E): 'Judge justly'. The second image depicts a messenger/ wingless angel consoling a man oppressed by an unjust judge: ANG(E)L(U)S SOLATUR VIRU(M) GRAVATU(M) AB I(N)IQ(UO) IUDICE.⁹⁴

III. France

Examples of the 'Romanization' of judicial process are not confined to Italy. Ecclesiastical corporations, as landowners, found that they had to be able to express their claims and defend their interests in courts which used the vocabulary of Justinian's codex, and for that, they needed expert legal representation. A very good example of this imperative is provided by Peter the Venerable's appeal to Eugenius in 1148.⁹⁵ Peter complained that his brother

Rodolfus of Nonantula, Guidonus, Guido de Montespleco, and Wido de Wignola, 261. For Pillius, see *DDC*, vi (1957), 1499–502.

94 For this much debated piece, see W. Montorsi, *La torre della ghirlandina: comacini e cam-pionesi a Modena* (Modena, 1976), 104–17; idem, *Il Duomo di Modena: palinsesto lanfranchiano-campionesi: 1099–1999* (Modena, 1999), 280; G. Pezzini, 'Osservazioni sulla torre di Lanfranco a Modena', in *Lanfranco e Wiligelmo: Il duomo di Modena* (Modena, 1984), 835–45, at 842; L. Serchia, 'Studi e interventi sulla Ghirlandina', in *I restauri del duomo di Modena. 1875–1984*, ed. C. Acidini Luchinat, L. Serchia, and S. Piconi (Modena, 1984), 169–87, at 174. I am grateful to Professor Isabella Lazzarini for advice on this bibliography.

95 It seems to me that the first hearing of the case, about which Peter complained to the pope, should be dated Nov. 1148 (not 1149), since there seems to be no reason to challenge the recorded date of the final resolution of the dispute 'on the eve of Palm Sunday (26 March) in the year of the Lord's Incarnation 1149' (below, n. 98). This was confirmed by Eugenius III on 12 March in the following year 1150 (dated 1149, because the papal chancery was following the *calculus Florentinus*, which began the year of grace on 25 March): 'Bullaire de l'Auvergne', *Mémoires de l'Académie des sciences, belles-lettres et arts de Clermont-Ferrand*, 19 (1877), 23–134 + 447–615, at 70 no. 136; cf. *JL* 9373). The general assignment of the final compromise to 8 April 1150 (see

Jordan, abbot of La Chaise-Dieu, was gravely disadvantaged since he was forced to rely on advocates from his own area (Burgundy) in his case against the bishop of Nîmes (Aldebert d'Uzès) for jurisdiction over the priory of S. Baudile in Nîmes, which the pope had delegated to the archbishop of Arles (Raymond de Montredon) and the bishop of Viviers (Peter). Not only were the judges biased against Chaise-Dieu in this case, because of their partiality for Nîmes and its bishop, but in their execution of the papal instruction they had contravened the procedural norms of '*lex uestra Romana et autentica* (your authentic Roman law) which *dicat quod mandatarius non debet excedere fines mandati* (declares that the mandatory must not go beyond the limits of his mandate: *Dig. 17.1.5.1–2*'). Peter made a more telling complaint, however. Such was the power of the bishop of Nîmes in his own city, he declared, that Abbot Jordan was unable for love or money (*prece uel precio*) to obtain any jurist (*legisperitus*) or advocate (*advocatus*) from the region of Provence, apart from the almost wholly useless, and so arrived on the appointed day with 'the few legal advisers (*advocati*) whom he had managed to persuade to come from Burgundy'.⁹⁶ Poly rightly drew attention to the implications of this letter: that there was a significant difference between the skills of advocates from Burgundy and those of their colleagues operating in the courts of Provence, and that access to the latter was essential for a successful defence.⁹⁷

No account survives of either the first hearing or of the second, which resulted from a new delegation to two less biased ecclesiastical arbitrators (Raimond II, bishop of Uzès and Pierre I Raimondi, bishop of Lodève), but the dispute was settled *amicabili compositione* (by amicable settlement) on the advice of the bishops and two lay magnates (Viscount Bernard Aton of Nîmes and Bremund of Uzès), in the sight and hearing of four *causidici*.⁹⁸

Constable and Gouron, below, nn. 96 and 98) cannot be reconciled with a papal confirmation on 12 March 1150; nor indeed does it correlate with the assertion that it was drawn up 'in the reign of King Louis, who is in Jerusalem'. Louis VII was absent from France on the Second Crusade ('in Jerusalem') from mid-1147 to Nov. 1149; Eugenius III to Suger, *PL*, clxxx, 1396 no. 357 (JL 9347), 15 Aug. 1149, urging the abbot to prepare for Louis's imminent return. Notaries in Provence would certainly have known of his return, since he passed through the region on his way to Paris. The first hearing, therefore, to which Peter the Venerable alludes (below, at n. 96), took place in autumn 1148, by which time Eugenius was already back in Italy, having reached Vercelli by 16 June 1148; Horn, *Studien*, 291.

96 *The Letters of Peter the Venerable*, ed. G. Constable, 2 vols (Cambridge MA, 1967), i, 348–50 no. 141; *PL*, clxxxix, 386–8 (v.4), at 388; cf. Poly, 'Maîtres de Saint-Ruf', 188–9. Constable dated the first hearing to Autumn 1149, but see above, n. 95.

97 Poly, 'Les maîtres de Saint-Ruf', 131, speaks of a 'hiatus culturel'.

98 For the final settlement, in favour of La Chaise-Dieu, but with important concessions to the bp of Nîmes, including recognition of his episcopal rights, see L. Ménard, *Histoire civile, ecclésiastique, et littéraire de la ville de Nîmes*, 7 vols (Paris, 1750–8), vii, 719–20 no. 2. The accord

Headed by Master Raymond des Arènes, the later *Cardinalis*, whose canonical glosses bore the imprint of a thorough grounding in Roman law,⁹⁹ the *causidici* comprised Master Donadeus (Donnedieu), whom André Gouron identified as the 'Master d', whose glosses on Gratian reflect the teaching of the Provençal schools,¹⁰⁰ and Elzéar de Sauve, called 'of Avignon', to whom Gouron attributes the abbreviation of Gratian, *Quoniam egestas* (1150). He had a long career as *causidicus* and *iudex*, and, like Master Raymond, was equally at home in both laws.¹⁰¹ The fourth was Pons of Saint-Césaire, called 'of Saint-Gilles',¹⁰² where he was *grammaticus* (1143–58 and 1171–6) and an associate of Raoul (Radulfus). This Raoul, who served Raymond V of Toulouse as chancellor for his Saint-Gilles territory (1155–83), was also a distinguished jurist. It was to him that Gouron attributed the compilation of *lo Codi* (c.1149), the *summa* of the *Codex* in Provençal,¹⁰³ which utilized the *Summa Trecensis*, itself compiled by another Provençal luminary, Master

is dated 'Anno ab incarnatione Domini M.CXLIX, regnante Lodovico rege, qui est Hierosolimis' (ibid., 719), and was made 'consilio Eberardi, Uticensis episcopi (Raimond II, bp of Uzès), & Petri, Lodovensis episcopi (Pierre I Raimondi, bp of Londève)', in the presence of a large number of witnesses, among whom were: 'Ego Bernardus, vicecomes, ego Raimundus de Arena, & Elisiarius, & Poncius S. Cesarii, & Donadeus, causidici...vidimus & audivimus in ecclesia S. Marie, in vigilia ramis palmarum' (ibid., 720). On this 'énorme procès', see A. Gouron, 'Sur les gloses siglées *d* et *p* dans les manuscrits du XII^e siècle', *Rivista Internazionale di Diritto Comune*, 8 (Rome, 1997), 21–34, at 30 (repr. with the same pagination in idem, *Pionniers du droit occidental*, no. IV); idem, "Peniuria advocatorum", *Initium*, iv (Barcelona, 1999), 1–11, at 2–4 (repr. with the same pagination in idem, *Pionniers du droit occidental*, no. XX). For the date, see above, n. 95.

99 A. Gouron, 'L'enseignement du droit civil au XII^e siècle: de la coutume à la règle', *Manuels, programmes de cours et techniques d'enseignement dans les Universités médiévales* (Louvain-la-Neuve, 1994), 183–99, at 192 (repr. with the same pagination in idem, *Juristes et droits savants: Bologne et la France médiévale*, CS 679 (Aldershot, 2000), no. VII); see also below, nn. 107–13.

100 Gouron, 'Sur les gloses', 31.

101 A. Gouron, 'Le manuscrit de Prague, Metr. Knih. J. 74: à la recherche du plus ancien décréteste à l'Ouest des Alpes', *ZRG Kan. Abt.*, 83 (1997), 223–48, at 235–48 (repr. with the same pagination in idem, *Pionniers du droit occidental*, no. I).

102 Gouron, 'Sur les gloses', 31–2; idem, 'L'irruption des droits savants dans le royaume de Jérusalem', in *Mélanges Stanisław Grodziski*, ed. J. Malca and W. Uruszczak (Kraków, 2001), 357–64, at 359–64 (repr. with the same pagination in idem, *Pionniers du droit occidental*, no. XXII). Gouron further argues (ibid., 359, 362) that a version of *Lo Codi* was used in the drafting of the Assizes of Jerusalem, issued by Baldwin III (1143–62) not Baldwin II, and that Pons, whose absence from Provençal records between 1158 and 1171 is explained by a sojourn in the Holy Land, was the agent of transmission.

103 A. Gouron, 'L'auteur du *Codi*', *Tijdschrift voor rechtsgeschiedenis/Revue d'histoire du droit/The Legal History Review*, 70 (2002), 1–20, esp. 5, 11–12 (repr. with the same pagination in idem, *Pionniers du droit occidental*, no. XI).

Géraud, around 1138, or slightly later.¹⁰⁴ Such a legal team, comprising canonical and legal specialists trained in the civilian environment of the Provençal schools, would have constituted a formidable battery of juridical skill.¹⁰⁵ Peter the Venerable of Cluny, indeed, had employed the services of a *iurisperitus*, Master Dulcianus of Montpellier, whom he called his 'very dear and now special friend (*karissimus et jam speciali amicus noster*)' in a letter which offered to arrange the entry of one of his sons into the monastery of Cluny, should he wish it.¹⁰⁶

iv. The Cistercian Order

Even more tellingly, in the light of St Bernard's strictures, the Cistercians themselves were not averse to seeking legal aid when it was necessary. This is shown in the remarkable *consilium* sent to the abbot and monks of Cîteaux between 1153 and 1158.¹⁰⁷ In it, Master Raymond des Arènes, the very man who had headed the list of *causidici* at Nîmes in 1149, laid out seven authorities which he had extracted *tam de corpore canonum quam de juris civilis volumine autoritate enucleavi*¹⁰⁸ – 'from the *corpus* of the canons (Gratian's *Decretum*) and the *volumen* of the civil law (*Digest*)', to prove that monks were not obliged to pay tithes. What is more significant, however, is

104 A. Gouron, 'L'auteur et la patrie de la Summa Trecensis', *Ius Commune*, 12 (1984), 1–38 (repr. with the same pagination in idem, *Études sur la diffusion des doctrines juridiques médiévales* (London, 1987), no. III).

105 Gouron, 'Sur les gloses', 33, 'Il me parût meriter le nom d'école nîmoise', although all made their careers in neighbouring cities.

106 *Letters of Peter the Venerable*, i, 27 no. 19; *PL*, clxxxix, 88–9, i. 19; cf. Poly, 'Maîtres de Saint-Ruf', 186–7; A. Gouron, 'Les plus anciens testaments français', in *Hommages à Gérard Boulvert* (Nice, 1987), 281–93, at 288–9; repr. with the same pagination in idem, *Droit et coutume en France aux XIIe et XIIIe siècles*, CS 422 (Aldershot, 1993), no. III. That Dulcianus drew up documents for Guilhem VI, lord of Montpellier and may have transmitted technical terminology to Master Durand who acted for clients in the region, is suggested by idem, 'Maître Durand, pionnier du notariat savant', in *Mélanges offerts à André Colomer* (Paris, 1993), 181–7, at 183, 185–7; repr. with the same pagination in idem, *Juristes et droits savants*, no. XV. For much simpler and direct legal process, see L. Falkenstein, 'Des actes de juridiction pontificale effectués sans rescrit ou privilège de la chancellerie? Notes marginales sur les voyages d'Innocent II et d'Eugène III en France', *Aspects diplomatiques des voyages pontificaux*, ed. B. Barbiche and R. Grosse (Paris, 2009), 141–53, at 148–53.

107 Poly, 'Maîtres de Saint-Ruf', 203. The text survives in a seventeenth-century transcript (Paris, BnF. ms lat. 12770, p. 132) from a MS from Valmagne (Vallismagna), daughter of Bonnevaux, granddaughter of Cîteaux.

108 The use of this verb, meaning 'to compile' or 'to extract the kernel', echoes the heading of the books of the *Digest*: 'domini nostri sacratissimi principis Iustiniani iuris enucleati ex omni vetere iure collecti digestorum seu pandectarum'.

that Raymond called himself Cîteaux's *advocatus*, and claimed that the late Pope Eugenius had often (*sepius*) appointed him as advocate to defend cases relating to their Order.¹⁰⁹ Thus, when St Bernard was criticizing the clamour of Justinian's laws, the Cistercians were employing the expertise of one of the best *iusperiti* in Montpellier/Provence, who later wrote important glosses on the *Decretum*, and with papal approval.¹¹⁰ They were not alone. Adrian IV, who must have encountered Raymond during his own earlier career in Provence, as student (Arles), parish priest (Melgueil), and abbot of Saint-Ruf (c.1140–9), not only employed him in 1157 on business relating to Saint-Ruf,¹¹¹ but also promoted him to the cardinalate in 1158.¹¹² In Gouron's opinion he was first canonist to demonstrate knowledge of the last three books of the *Codex* (10–12: *Tres libri*), which he may have acquired from the civilian Rogerius, author of an incomplete *Summa codicis* (1150s).¹¹³ Raymond's career demonstrates the functional osmosis that characterized the relationship between Roman and canon law, both at the academic and at the practical level.

v. England

Eugenius III's employment of civilian or quasi-civilian lawyers (Alderic, Raymond des Arènes), including the leading masters from Bologna (Bulgarus

109 'Bonae memoriae Papa Eugenius ad defensionem causarum vestri ordinis advocacionis officium mihi saepius injunxit': Poly, 'Maîtres de Saint-Ruf', 203; cf. 190–1.

110 R. Weigand, 'Die Glossen des Cardinalis – Raimundus de (Harenis) – zu C.16', *Recht im Dienste des Menschen: Eine Festgabe für Hugo Schwendenwein zum 60 Geburtstag*, ed. K. Lüdicke, H. Paarhammer, and D. Binder (Graz/Vienna/Cologne 1986), 267–83. Cistercian houses were among the first to acquire collections of the latest law, despite the reserve expressed about the 'Liber qui dicitur corpus canonum [? Pseudo-Isidore] et decreta Gratiani' in the General Chapter of 1188: Peter Landau, 'Zisterzienserbibliotheken und kanonisches Recht', in *Die Zisterzienser und ihre Bibliotheken*, ed. T. Graber and M. Schattkowsky (Leipzig, 2008), 291–307, at 292–4 (Claivaux), 295–6 (England), 297–8 (Portugal), 299–301 (Orval), 302 (Altzelle), 303–6 (Austria).

111 *Codex diplomaticus Ordinis Sancti Rufi*, ed. C.U.J. Chevalier, *Bulletin de la Société départementale d'Archéologie et de Statistique de la Drome*, 25/ii (Valence, 1891), 1–120, at 37–8 no. 30.

112 CD of S. Maria in Via Lata 1158–76. His short-lived support for the anti-pope Victor IV (1159) may have compromised his standing in Alexander III's Curia, for he remained in Provence when the Curia returned to Italy in 1165, although he retained the title of cardinal. Zenker, 179–80, thought that he retained Alexander III's confidence.

113 A. Gouron, 'Sur les traces de Rogerius en Provence', *Études offertes à Pierre Jaubert: liber amicorum*, ed. G. Aubin (Bordeaux, 1992), 313–26, at 323–4 (repr. in *Juristes et droits savants*, no. XIII); A. Gouron, 'Le cardinal Raymond des Arènes: *Cardinalis*?', in *Revue de droit canonique*, 28 = *Mélanges Jean Gaudemet* (Strasbourg, 1978), 180–92.

and Hugo de Porta Ravenata) in 1151,¹¹⁴ should be seen as another symptom of the advance of the learned laws in his lifetime, an advance which was not confined to the regions of the *lex scripta*. Theobald of Canterbury (1138–61), who was to complain about the subtlety of the laws and canons in the late 1150s¹¹⁵ had recruited his own legal expert, the civilian Master Vacarius, straight from Bologna in 1143–4;¹¹⁶ his legal letters, drafted by John of Salisbury, demonstrate familiarity with the vulgate *Decretum* and the Justinianic *corpus*;¹¹⁷ and between 1148 and 1153 he sent his clerk Thomas Becket to Auxerre and Bologna to improve his working knowledge of the laws and canons, before appointing him archdeacon of Canterbury in late 1154.¹¹⁸ Theobald was an old-style monk from Bec, and there are hints that he, like Bernard and Gerhoch, was not comfortable with the way things were going, but he could not resist the tide; nor indeed could the layman Richard of Anstey who employed three professional *advocati* in his

114 Fried, *Die Entstehung*, 63. More significant still, Eugenius's own nephew Gratian of Pisa attended Bulgarus's lectures, as Stephen of Tournai later recalled (*PL*, ccxi, 338 no. 38). His studies completed, Master Gratian had a distinguished career: subdeacon and notary of the Roman Church 1168–78, *datarius* of the papal chancery 21 March 1168–28 April 1169 and 7 December 1169–7 Feb. 1178, and CD of SS. Cosma e Damiano 1178–1206 (Brixius, 61, 141).

115 JohnS, *Letters*, i, 27, 107.

116 He was also a theologian: see P. Stein, 'Vacarius and the Civil Law', in *Church and Government in the Middle Ages: Essays Presented to C.R. Cheney on his 70th birthday*, ed. C.N.L. Brooke, D.E. Luscombe, et al. (Cambridge, 1976), 119–37; J. de Ghellinck, 'Magister Vacarius. Un juriste théologien peu aimable pour les canonistes', *Revue d'Histoire Ecclésiastique*, 44 (1949), 173–8; J. Taliadoros, *Law and Theology in Twelfth-Century England: the Works of Master Vacarius (c.1155/1120–c.1200)* (Turnhout, 2006).

117 See e.g. the important letter to Archdeacon Robert of Lincoln: JohnS, *Letters*, i, 157–60 no. 100; *ibid.*, i, 279, for the list of civilian and canonical citations. John made full use of the Roman law on his own account: see e.g. *Policraticus sive de nugis curialium* (c.1159), ed. C.C.J. Webb, 2 vols (Oxford, 1909), i, 330–4, 349, citing the *Lex Iulia repetundarum* (*Dig.* 48.11).

118 'Ut vero in causis perorandis et decidendis et populis instruendis ... juri civili et sacris canonibus operam dedit': John of Salisbury, *Materials for the History of Thomas Becket, Archbishop of Canterbury*, ed. J.C. Robertson and J.B. Sheppard, 7 vols, RS 67 (London, 1875–85), ii, 304; cf. William FitzStephen, *ibid.*, iii, 17. A generation earlier (1133) Arnulf, then archdeacon of Lisieux (later bp, 1141–81; d.1182), had gone to Italy (Bologna?) to study the *Romanorum/Romanarum legum*: Arnulf of Lisieux, ed. Barlow, xv and n. 4; *ibid.*, xxiii, 'The language of the lawyers, however, is woven into the fabric of his prose'; see e.g., the conclusion of a letter to Adrian IV (early 1159), *ibid.*, 23: 'Appellatum est ergo a monachis ..., apostoli postulati et traditi, partibusque mandatum ne interim ab eis appellati nominis apostolici reuerentia lederetur.' Two of Gilbert Foliot's nephews (Richard Foliot and Robert Banastre), archdeacons respectively of Colchester and Essex, and his clerk, Master David, studied at Bologna in the mid–1160s: *The Letters and Charters of Gilbert Foliot (GFL)*, ed. A. Morey and C.N.L. Brooke (Cambridge, 1967), 260–4 nos 188–92.

ultimately successful case against Mabel de Francheville for inheritance of the Sackville estate, which began in 1158, only five years after Eugenius's death.¹¹⁹

Not only the lawyers, but the texts of the Roman law also began to circulate outside the regions of the *lex scripta*. During Eugenius's lifetime, in March–April 1153, Gilbert Foliot, then bishop of Hereford, reported to his uncle, Robert de Chesney, bishop of Lincoln (1148–66), that 'your Ambrose' was busily working on the copy of the *Digest*, which Robert had ordered to be corrected and glossed.¹²⁰ The implication is that Robert's own copy required professional updating by collation with a better text, which Gilbert possessed; and Gilbert's application of the word *tritura* (threshing) to Ambrose's labours, conveys something of the difficulty of the task of eliminating errors.¹²¹ Ambrose is almost certainly the Bolognese Master Ambrose, who later acted as counsel for the abbot of St Albans¹²² and was consulted by Richard of Anstey.¹²³ Such learning was not without considerable fruit. The records of the rightfully famous Stetchworth case of 1150–3¹²⁴ show that English ecclesiastics, no less than their Italian counterparts, were fully *au fait* with the legal culture centred on the papal Curia. The four letters to the pope (from the monks of Ely, William of Norwich, Theobald of Canterbury, and Gilbert of Hereford), no less than the four from Eugenius himself, echo

119 R.C. van Caenegem, *English Lawsuits from William I to Richard I*, ii, *Henry II and Richard I*, Selden Society 107 (London, 1991), 387–404 no. 408, at 398–402, for Masters Ambrose, Peter de Melide, and Stephen of Binham; P.M. Barnes, 'The Anstey Case', *A Medieval Miscellany for Doris Mary Stenton* (London, 1962), 1–24.

120 *GFL*, 145: 'Digestam corrigi et glosari precipitis, et ecce Ambrosius uester laborare non desinit in tritura.'

121 For Gilbert Foliot's own citations of Roman (and canon) law, see *GFL*, 552. Simultaneously, Abbot Wibald of Stavelot (Stablo) and Corvey mentions the *Digest* in one of his letters in 1149: *Bibliotheca Rerum Germanicarum*, ed. P. Jaffé, 6 vols (Berlin, 1864–73), i, 231–51 no. 150, at 249.

122 *Gesta abbatum monasterii Sancti Albani, a Thoma Walsingham... compilata*, 3 vols, in *Chronica monasterii S. Albani*, ed. H.T. Riley, 12 vols in 7, RS 28 (London, 1863–76), iv/1–3 (1867–69), iv/1, 136–7: 'Magistrum Ambrosium, clericum suum, legis peritissimum, Italicum natione.'

123 *English Lawsuits*, ii, 398, 400. Ten years later, Philip de Harcourt, bp of Bayeux (1142–63), left a complete set of Roman and canon law books to the monastery of Bec when he died in 1163: *PL*, cl, 779–82, at 780–1. Philip had close links with England, where he had been dean of Lincoln c.1133 (or earlier)—1141/2 (*Fasti ecclesiae Anglicanae*, iii, *Lincoln*, compiled D.E. Greenway [London, 1977], 8), and he had been to Rome four times (1144, 1145, 1146, and 1153): *Arnulf of Lisieux*, ed. Barlow, 11 n. b.

124 Between the clerk Henry (son of William the Breton, archdeacon of Ely) and the monks of Ely, about the ownership of the manor of Stetchworth (Cambs.) and Henry's claims for damages: *Liber Eliensis*, ed. E.O. Blake, Camden 3rd series, 92 (1962), 344–58 nos 96–108; cf. *Liber Eliensis: a history of the Isle of Ely*, trans. J. Fairweather (Woodbridge, 2005), 425–42; Blake, 'The Stetchworth Case, 1150–53', *Liber Eliensis*, 405–7; *GFL*, 358.

with the technical vocabulary of the learned law.¹²⁵ In reporting his execution of one of Eugenius's mandates in December 1152, for example, Gilbert Foliot cited its key instructions *verbatim*, with the necessary syntactical adjustments for reported speech.¹²⁶ Those instructions – *partibus ante tuam presentiam evocatis ... quicquid sepe fatus H[enricus] ... legitime probare potuerit sibi fuisse ablatum, ei facias cum integritate restitui. Quo facto, si Elyenses monachi de causa proprietatis agere voluerint, causam ipsam diligenter audias et ea, iustitia mediante, diffinias*¹²⁷ – presupposed that its recipient would understand the specific legal force of the terminology. Ultimately, Henry lost the manor,¹²⁸ but only after both sides had exhausted all legal avenues available to them, including seven appeals to Pope Eugenius (three by the monks and four by Henry), the appointment of three sets of judges delegate, and multiple visits to the Curia by the parties.¹²⁹ The growing volume of such business made it imperative that bishops and abbots employed legally trained clerks, and contact with the Curia kept them abreast of professional advances in law and jurisprudence.¹³⁰

125 To Eugenius: *Liber Eliensis*, nos 97–9, and 108; from Eugenius: *ibid.*, nos 100, 102, 104, and 105. Fairweather's translations should be used with caution: e.g., *vendicatio* is 'claim', not 'appropriation'; *falsa suggestione* is 'on false representation', not 'false pretenses'; *curiales* are members of the abp's curia, not 'courtiers' (428); *apostoli* are letters dismissory, transmitting an appeal from a lower to a higher court (429); *suscepimus* means 'we have received', not 'we have carried out'; *effectui mancipare* means 'put into effect/carry out', not 'bring it to pass' (430); *vexari* means 'to be harassed' not 'to be importuned'; *impetitio* means 'attack/assault' not 'impeachment' (431); *in auram* (meaning 'into the open') does not need emendation to *in aurem*, 'to [your] ear' (433); *causa* means 'case' not 'business'; *eundem H[enricum]...ad nostram audientiam appellaverunt* means 'they appealed the same Henry to our audience' not 'they summoned the same Henry to an audience with us' (435). Equally precise was Eugenius III's confirmation of a judgment by two legates (Julius, CP of S. Marcello and Hyacinth, CD S. Maria in Cosmedin) in favour of Aniane (12 April 1148), which summarized the process and, in a separate mandate, ordered the bp of Maguelonne to conduct the *missio in possessionem*: *Epistolae pontificum Romanorum ineditae*, ed. S. Loewenfeld (Leipzig, 1885), 106–7 no. 202.

126 *Liber Eliensis*, 355–8 no. 108 (trans. Fairweather, 439–42); *GFL*, 358–61 no. 295.

127 *Causam que inter*, Segni, 15 June (1152): *Liber Eliensis*, 352–3 no. 104, at 353 (trans. Fairweather, 435–6, at 436).

128 It was Henry's failure to prosecute his final appeal that led Anastasius IV to settle the case in Ely's favour (28 September 1153): *Liber Eliensis*, 358–9 no. 109 (trans. Fairweather, 442–4) and *ibid.*, 360–1 no. 110 (trans. Fairweather, 444–5). For Gilbert Foliot's execution of the mandate, *ibid.*, 361–2 nos 111–12 (trans. Fairweather, 445–7); *GFL*, 361–2 nos 296–7.

129 *Liber Eliensis*, 344–58 nos 96–108 (trans. Fairweather, 425–4).

130 A.J. Duggan, 'Henry II, the English Church and the Papacy', in *Henry II: new interpretations*, ed. C. Harper-Bill and N. Vincent (Woodbridge, 2007), 154–83; eadem, 'De consultationibus tuis: the role of episcopal consultation in the shaping of canon law in the twelfth century', *Bishops, Texts and the Use of Canon Law around 1100: essays in honour of Martin Brett*, ed. B.C. Brasington and K.G. Cushing (Aldershot, 2008), 191–214; eadem, 'Manu sollicitudinis: Celestine III and canon

2. Eugenius III and canon law

1. The Council of Reims¹³¹

Professor Häring was somewhat dismissive about the Council of Reims (mid-Lent, 1148), to which he devoted only about a page and a half in his twenty pages of 'Notes on the Council and Consistory of Rheims'.¹³² Rightly recognizing that most of the eighteen canons repeated decrees issued by Innocent II at Reims (1131) and Lateran II (1139),¹³³ he said nothing about their content or circulation, and, more importantly, ignored what was new. Four, in fact, made significant additions to Lateran II's decrees. To increase the effectiveness of excommunication (Lat. II, c.3), Reims, c.1 ordered that bishops must publish the names of their excommunicates to neighbouring

law', in *Pope Celestine III: diplomat and pastor*, ed. J. Doran and D.J. Smith (Farnham, 2008), 189–235; eadem, 'Making Law or Not? The Function of Papal Decretals in the Twelfth Century', *Proceedings ... Esztergom*, 41–70. For the English context, see S. Kuttner and E. Rathbone, 'Anglo-Norman Canonists of the Twelfth Century: an introductory study', *Traditio*, 7 (1949–51), 279–358; E. Rathbone, 'Roman Law in the Anglo-Norman Realm', *Studia Gratiana*, 11 (1967): *Collectanea Stephan Kuttner*, i, 235–71.

¹³¹ The Reims decrees were reissued at a council in Cremona on 7 July 1148 (JL, ii, 58).

¹³² N. Häring, 'Notes on the Council and Consistory of Rheims', *Mediaeval Studies*, 28 (1966), 39–59, at 44–5, 58. For the eighteen canons, see Mansi, xxi, 711–18. It should be noted that the seventeen canons attributed to the same council in Mansi, *ibid.*, 718–20 ('Ejusdem concilii canonum collectio altera auctior') have no connection with Reims, having been promulgated, probably, by Bp Henry of Winchester at his legatine council at London in 1143. Their mis-attribution to Reims occurred in two related Anglo-Norman decretal collections (*Sangermanensis* [*Sang.*] and *Abrincensis prima* [*Abrinc.*]), compiled in part from English sources at the very end of the twelfth century. There they appear in a different order as the opening sequence of a conciliar text entitled 'Concilium Remense celebratum sub Eugenio papa' (H. Singer, *Neue Beiträge über die Dekretalensammlungen vor und nach Bernhard von Pavia*, Sitzungsberichte der kaiserlichen Akademie der Wissenschaften in Wien, phil.-hist. Klasse, 171/1 (1913), 68–354, at 125–9: *Sang.* cc.1–14 or 'Remense concilium' (Singer, *Neue Beiträge*, 356–8: *i Abrinc.* cc. 1–16), where they are followed by seventeen of the eighteen Reims canons in a different order (omitting c.9), with one (*i Abrinc.*) or two (*Sang.*) additions: C.N.L. Brooke, 'Canons of English Church Councils in the Early Decretal Collections', *Traditio*, 13 (1957), 471–80, at 472 and 480 ('Spurious canons of Rheims'); *Councils and Synods, with other Documents relating to the English Church*, 1/i–ii, ed. D. Whitelock, M. Brett, and C.N.L. Brooke (Oxford, 1981), 1/ii, 794–804, at 795–6. O. Pontal's assertion (*Les conciles de la France capétienne jusqu'en 1215* (Paris, 1995), 328–33, at 332 and n. 5) that the seventeen extraneous canons were adopted by the Council of Reims 'due à l'influence et au prestige de l'archevêque Thibaut de Canterbury', must be rejected: they were not Theobald's nor were they adopted. Pontal also underestimates the reliance of the genuine Reims decrees on Lateran II (1139).

¹³³ Although Häring gave no details, Reims 1, 2, 3, 7–17 = Lat. II, cc. 3, 4, 6, 7, 10/i, 10/ii, 10/iii, 11, 14, 15/i, 15/ii, 18–20, 24, and 30; Reims 18 replaced Lat. II, c.23.

bishops; c.2, likewise, added a penalty to Lat. II, c.4 for clerics who ignored their bishops' instructions with regard to dress, allowing the bishop to take disciplinary action after forty days; c.11 added the clause 'Si quis autem ... faciat' to Lat. II, c.11, authorizing the bishop to exercise 'canonical justice' against those who attacked protected persons; and c.18 on heresy, was much more specific than Lat. II, c.23, in its focus on the regions of Gascony and Provence.

That such clarifications responded to questions raised by regional bishops is suggested by John of Salisbury's account of the debate about the reissue of *Si quis suadente* (Lat. II, c.15/i) at Reims (c.14). This canon had imposed automatic excommunication on anyone who laid violent hands on a cleric or religious, which sentence could not be lifted by the local bishop until the malefactor had presented himself before the pope (*apostolico*) and received his mandate. No exceptions were admitted and its reissue at Reims provoked some discussion.¹³⁴ In comments which anticipated in many respects the modifications introduced by Alexander III in 1172 and 1176–7,¹³⁵ Eugenius explained that he did not intend the canon to apply to those who were carrying out their just duty: *ostiarii* (doorkeepers), for example, masters in the schools or heads of household, and where students, monks or lay brothers struck one another they could be disciplined and absolved by their own superiors. Although not otherwise recorded, Katherine Christensen speculates that John of Salisbury transmitted the 'oral gloss' to his friend and patron Bartholomew of Exeter, who obtained similar clarifications of *Si quis suadente* from Alexander III in 1172.¹³⁶

Three of the Reims canons were new: c.4 ordered nuns and canonesses to keep to their cloisters – unsurprising for a Cistercian; c.5 forbade laity to determine ecclesiastical business and prelates to dispose ecclesiastical affairs or spiritual matters according to the judgment of any lay persons; and c.6 regulated the exactions of *advocati*, here meaning the patrons or protectors of churches. These were forbidden to accept or usurp anything

¹³⁴ JS *HistPont*, 9–10 (ed. Arndt, *MGHSS*, xx, 520)

¹³⁵ See Alexander III's replies (*responsa*) to Bartholomew, bp of Exeter (*Sicut dignum*, 31 Jan. 1172): WH 929, §§ b–d; JL 12180: X 5.39.1–3; PL, cc, 894–6 no. 1014 and to John [of Salisbury], bp of Chartres (*Cum sacrosancta*, c.1176/7): WH 298, §§ d–i, for the segments on *Si quis suadente*, 'Super eo autem ... committitur'. Pd. F. Schönsteiner, 'Die Collectio Claustroneoburgensis', *Jahrbuch des Stiftes Klosterneuburg* 2 (1909), 1–154, at 104–5 c.229–34 and X 5.39.6 (§§ g–i).

¹³⁶ K. Christensen, 'The "lost" gloss on *Si quis suadente* (C.17 q.4 c.29): John of Salisbury and the canonical tradition in the twelfth century', *BMCL*, 18 (1988), 1–11; A.J. Duggan, 'Si quis suadente' (Lateran II, c.15): contexts and transformations to 1234', forthcoming in *Proceedings ... Paris*; R.H. Helmholtz, 'Si quis suadente' (C.17 q.4 c.29)', *Proceedings ... Cambridge*, 426–38.

more than the right and benefice anciently established, and the council mandated the immediate removal of *subadvocati* and their agents (*exactores*).¹³⁷

How far the decrees were implemented is difficult to assess. It is well known that the Germans protested at the clause about ecclesiastical dress (c.2),¹³⁸ and only c.5 against lay interference in ecclesiastical business was received into the *Liber Extra* (2.1.2). Eugenius's Reims was easily outstripped by Alexander III's Tours (1163), which supplied seven *capitula*.¹³⁹ Such a finding is hardly surprising, however, since eight of the Second Lateran canons from which it borrowed had already been received into the vulgate version of Gratian's *Decretum* (c.1141 × 5).¹⁴⁰ The Reims canons did, nevertheless, have a short afterlife. Copies of the whole sequence of eighteen canons were inserted into manuscripts of the *Panormia*¹⁴¹ in Normandy, France, and Salzburg, for example;¹⁴² they are found in manuscripts from Durham¹⁴³ and Lincoln;¹⁴⁴ and seventeen were transmitted in an oddly contaminated text compiled in the Anglo-Norman region.¹⁴⁵ More significantly, the canons on clerical dress (2), the prohibition of lay involvement in ecclesiastical business (5), the minimum clerical order for appointment to ecclesiastical office (9), the condemnation of tournaments (12), and the right of sanctuary (14),

137 F. Senn, *L'institution des avoueries ecclésiastiques en France* (Paris, 1903); *DHGE*, 5 (1931), 1220–41 (R. Laprat).

138 *JS HistPont*, 8 (ed. Arndt, *MGH SS*, xx, 519).

139 Tours 1–3 = *X*, 3.5.8, 5.19.1, and 3.30.17; 5–8 = *X*, 5.4.3, 5.3.8, 5.4.2, and 3.50.3.

140 R(eims) 2 = Lat. II, 4 = C.21 q.4 c.5; R.3 = Lat. II, 6 = D.28 c.2; R.7 = Lat. II, 7 = C.27 q.1 c.40; R.8–10 = Lat. II, 10, whence D.60 c.3 ('Precipimus ... sacerdotem') and C.21 q.2 c.5 ('Innouamus ... honores'); R.13 = Lat. II, 15 = C.17 q.4 c.29; R.15 = Lat. II, 18–20 = C.23 q.8 c.32.

141 Ivo of Chartres's authorship of the *Panormia* is now very much in doubt: C. Rolker, *Canon Law and the Letters of Ivo of Chartres* (Cambridge, 2010), ch. 7, esp. 265–72, 'De falsa credita Ivonis Panormia'.

142 See the online edition by B. Brasington and M. Brett: <http://knowledgeforge.net/ivo/>; Oxford, Bodleian Library, Lat. Misc. d 74 (MS Od in the Brett-Brasington list), fol. 98r; Paris, BnFr. lat. ms 2472, at the end of Book VIII (MS Pa), addition 14, with the heading, *Decreta Remensis concilii a domino Eugenio papa III celebrati, in quibus quedam innovantur, quedam tantum iterantur*; Salzburg, S. Peter, a VIII. 15 (MS Sg), fol. 116r–117r: *Decreta pape Eugenii in Remensi concilio*. Altogether, Martin Brett has found copies in five MSS of the *Panormia*: 'Margin and Afterthought: the *clavis* in action', in *Readers, Texts and Compilers* (above, n. 21), 137–63, at 155.

143 Dean and Chapter, B. IV. 18, fol. 98v–99v: *PU England*, ii, 122; Z.N. Brooke, *The English Church and the Papacy* (Cambridge, 1931), 81–2.

144 Lincoln Cathedral, MS 193, fols 206–207v.

145 Above, n. 132.

circulated in appendices to Gratian¹⁴⁶ and in early decretal collections.¹⁴⁷ That these were singled out, even where they repeated Lateran II's legislation, indicates their relevance to contemporary conditions.

II. Epistole decretales

Altogether seven of Eugenius's decretals were transmitted in whole or in part to the Gregorian *Decretales*, although one was attributed to Honorius III and one and part of another to Alexander III.

1. *Litteras fraternitatis tue*. Most interesting for its form and content is the reply issued from Viterbo on 26 November 1146 to Bishop Jocelin of Salisbury (1142–84).¹⁴⁸ Its context was the English civil war between King Stephen and Henry I's daughter, Matilda. Three of its clauses related to the disturbed conditions of the time: a priest who had lost two fingers and part of his palm through a robber's violence could not celebrate Mass, but he could properly perform other sacerdotal functions (§ a); clerics who abandon their order, habit, and office and live like laymen, without the tonsure, should not be freed by the Church's justice if they are held after being seized in the commission of crimes (§ b, attributed to Alexander III in *X*). This was an important limitation of clerical immunity, but it applied only to apostate clergy. More widely applicable was § c, which instructed Jocelin to forbid his clerks to act as estate managers for lay persons: if they did, and were accused of fraud, they could not claim clerical immunity from prosecution.¹⁴⁹

146 E.g., canons 2, 9, and 12 are in the appendix to the Harvard *Decretum* (Cambridge, Mass., Harvard Law Library, MS 64, final two folios), nos 17–19; c.12 is added to the Biberach *Decretum*: Biberach an der Riss, Spitalarchiv B 3515, fol. 280vb; R. Weigand, 'Die Dekrethandschrift B 3515 des Spitalarchivs Biberach an der Riss', *BMCL*, ns, 2 (1972), 76–81, at 79; cf. S. Kuttner, 'The "Extravagants" of the Decretum in Biberach', *BMCL*, ns, 3 (1973), 61–71, at 70 no. 10. J. Rambaud-Buhot, 'Les paleae dans le décret de Gratien', *Proceedings ... Boston*, 23–44, at 30, suggested that Harvard 9, 'Si sacerdos sciat ... remouit a communione' (JL 14030) should be attributed to Alexander III. The *Biberach Appendix*, no. 16, contains the earliest known copy of Frederick I's *Habita*, to be dated 1154, not 1158: M. Stelzer, 'Zum Scholarenprivileg Friedrich Barbarossas (Authentica "Habita")', *Deutsches Archiv*, 34 (1978), 123–65.

147 Canons 2 and 9: *Dunelmensis I*, 1.37 (wrongly inscr.) and 1.38; canons 2, 5, and 14: *Rotomagensis I*, 9.1 and 10; c.5: *Fontanensis* 2.30; c.12: *Florianensis* 134; *Cusana* 154; *Oriensis* 16.2 (MS details listed in alphabetical order in Holtzmann/Cheney, xxiv, xxv, xxix, xxx).

148 JL 8959; WH 736. Pd: *X* 3.6.2 (§ a: *incip.* Presbyterum) + 5.9.1 (§ b: Alex. III) + 3.50.2 (§ c: Lucanensi episcopo). The full text, with arenga and date, is in *Epistolae pontificum Romanorum ineditae* (above, n. 125), 103–4 no. 199, from Martene's transcription in BnF ms lat. 16992, fol. 115. Carried by the priest Robert.

149 It is significant that Henry II took legal action against Thomas Becket in 1164 for alleged peculation.

Clauses (d) and (e) also show juridical refinement. In the course of the civil war, both sides disinherited supporters of the other, and Jocelin must have asked whether, if the disinherited subsequently joined the (Second) Crusade, such estates were covered by the protection afforded to crusaders. Giving a negative answer, Eugenius declared that they should have no recourse to (ecclesiastical) justice (§ d); nor should Jocelin issue ecclesiastical censures against those who retained properties captured in the war, which their former owners had bestowed on religious institutions after the event, for religious houses could not accept anything subject to litigation (*res litigiosa*), and owners could not alienate something they no longer possessed (§ e). Only the first three segments, on mutilation, apostate clergy, and clerks who committed fraud in the service of laymen reached the *Liber Extra*.¹⁵⁰

Some five months earlier, in June 1146, Eugenius had condemned the exercise of disciplinary power over delinquent clerics by laymen. After stating the principle that clerical affairs and the discipline of clerks belong especially to bishops and their officials (*Clericorum negotia et correctiones ad episcopos vel ad eorum ministros specialiter pertinere*) in a letter to Bishop Tebaldo of Verona (1135–57), Eugenius condemned the practice of laymen seizing and correcting (*distringere et corrigere*) clerics who committed sexual sins (*si carnaliter peccaverint*) and mandated the bishop to restrain them by ecclesiastical censure.¹⁵¹ Although the letter responded to unspecified *clamor*, it is likely that the mandate was obtained by Tebaldo himself as ammunition against lay infringers of clerical immunity in the city.

II. *Iuvenis ille*. Equally interesting is the short letter (*Iuvenis ille*), which responded to a query from Bishop Presbiterus of Ascoli Piceno about the legitimacy of a marriage between a young man (*iuvenis*) and the sister of a very young girl whom he had earlier taken to wife (*duxit*). The girl was less than seven at the time, but, although her age should have prevented it (*quamvis aetas repugnaret*), he had given way to human weakness and attempted ‘that which he could not accomplish’. Eugenius’s succinct answer ignored the man’s claim as incapable of proof and declared that ‘in doubtful matters we should hold to what we judge more certain (*in his quae dubia sunt, quod certius aestimamus, tenere debemus*)’.¹⁵² Thus, the second ‘mar-

¹⁵⁰ X 3.6.2, 5.9.1, 3.50.2.

¹⁵¹ C. Arabello, ‘Nulli credimus esse incognitum’: un messale Veronese ed un inedito di Eugenio III’, *Aevum*, 66 (1992), 233–44, at 244, from Verona, Bibl. Capitolare, cod. CV (alt 98), fol. 2va–b, *Clericorum negotia* – a careful copy which reproduced the diplomatic form of the original document, with capitals, titles, and date: DAT. VIT[ER]BI.V.IDUS IUN[II].

¹⁵² JL 9655; WH 596. Pd: *App.* 12.8, 1 *Comp.* 4.1.18, X 4.1.3; C. Duggan, ‘Italian Marriage Decretals in English Collections: with special reference to the Peterhouse collection’, in *Cristianità ed*

riage' should be annulled on grounds of ecclesiastical propriety (*honestas ecclesiae*) since the first girl had been called his wife.¹⁵³ Although its address, 'Presbitero Esculano episcopo', confused most copyists down to the present day,¹⁵⁴ *Iuvenis ille* attracted the interest of legal compilers even more than the rescript to Jocelin of Salisbury, and it was transmitted in at least twenty-one decretal collections.¹⁵⁵

III. *Super eo quod*. The third legally significant letter (*Super eo quod*) was addressed to the papal vicar in Rome (Conrad, cardinal bishop of Sabina) and the clergy of the city in October 1150–2. Although clearly related to violent disturbances in the city, its instruction, that without true repentance and compensation violators of church property should not be allowed automatic penance and the formalities of ecclesiastical burial, had relevance far beyond the circumstances which had given rise to it.¹⁵⁶ Priests were not to give penance to such miscreants without a guarantee of restitution, nor were they to accept alms from them or attend their burials, but they could not deny penance and final Communion (the viaticum) at the point of death, although Eugenius thought that it would confer no benefit. This was an attempt to balance the penal with the pastoral – and seems directed as much against compliant clergy, who, in a separate paragraph, were forbidden to intrude into other priests' parishes and give penance to their parishioners.¹⁵⁷

IV. *Lator presentium*, to the chapter of Bordeaux. Where a minor cleric inadvertently killed a companion during a friendly tussle Eugenius allowed, that if the facts were as stated, the cleric could be promoted to sacred orders.¹⁵⁸

V – VII. *Three letters on the Oath of Calumny*. It is nevertheless significant, in the light of Gerhoch's criticisms,¹⁵⁹ that three of the six decretals transmitted in whole or in part to the *Liber Extra* concerned the vexed question of

Europa: miscellanea di studi in onore di Luigi Prosdocimi, ed. C. Alzati, 3 vols in 2 (Rome/Freiburg/Vienna, 1994), i/2, 417–51, at 446–7; repr. with the same pagination in C. Duggan, *Decretals and the Creation of New Law in the Twelfth Century: judges, judgements, equity and law* (Aldershot, 1998), no. VI.

153 And the rules of affinity prohibited marriage with a close relative of one's wife/husband.

154 For this identification, see Duggan, 'Italian Marriage Decretals', 433–4.

155 Duggan, 'Italian Marriage Decretals', 446–7.

156 This echoed Lateran II's c.18 on arsonists.

157 JL 9656 + 9508; WH 1015. Pd: X 5.17.2 (§ a), without address; *Sang.* 4.12.9 (§ b); cf. Holtzmann, 'Kan. Erg.' [1], 75 no. 4. Note its presence in Appendices to Gratian: *Ambr.* 17; *Graz.* 2; *Harvard*, 2 (MS details listed in alphabetical order in Holtzmann/Cheney, xx, xxviii).

158 X 5.12.9, WH 603, JL 14216.

159 Above, at n. 2.

ecclesiastics taking the oath of calumny (*iuramentum calumnie*).¹⁶⁰ This was a civilian practice, defined in Justinian's laws and repeated in Bulgarus's *Excerpta legum*, whereby plaintiffs and defendants were required to swear to the veracity of their claims at the outset of a case.¹⁶¹ Its re-emergence as Romanizing practices infiltrated into local courts in Italy, Septimania, and Provence in the early eleventh century¹⁶² created tensions between lay judges and clerics, since clergy had not been required to take such an oath, which was unknown to canon law. Responding to disputes between Lombard lawyers, the emperor Henry III had issued an important clarification at Rimini in 1047,¹⁶³ which Honorius II adopted and reiterated *verbatim* in a general mandate in 1125.¹⁶⁴ Clerics and religious were not to take the oath of calumny themselves, but they could, if it was necessary for their churches, depute the office to suitable *defensores*. Emperor and pope were doing no more than confirming an existing practice. *Defensores* and *advocati* had been a feature of ecclesiastical administration since Carolingian times, and they had been empowered to represent their principals before judicial tribunals. Honorius II, however, had added a complicating amendment. Citing his own recent action in the Arezzo vs Siena case, in which he had allowed the two bishops to take the *iuramentum*,¹⁶⁵ Honorius declared that bishops and clerics could take the oath only with the approval respectively of the pope or of their superiors.

This directive created considerable confusion, and Eugenius's three relevant decretals (*In pertractandis causis*, *Litteras dilectionis*, *Imperatorum secularium*) attempted to defend the principle of clerical exemption while recognizing that the oath had a legitimate function. Many disputes

160 *X* 2.7.2 (attrib. to Honorius III), 2.7.3, 2.7.4. Note that *X* 2.20.5 (*Quotiens aliqui*), inscribed 'Eugenius III', was issued by Urban II.

161 *Inst.* 4.16; *Cod.* 2.58.2; 3.1.14, Bulgarus, *Excerpta legum*, ed. Wahrmund, 1. In the early thirteenth century (1214–16), Tancred's *Ordo iudiciarius* provided this definition, 'Iuramentum calumniae est, cum quis iurat se bona fide et non calumniandi animo agere vel respondere': Pillius, Tancredus, *Gratia: Libri de iudiciorum ordine*, ed. F.C. Bergmann (Göttingen, 1842; repr. Aalen, 1965), 87–316, at 201–2. Cf. N. Sarti, *Maximum dirimendarum causarum remedium: il giuramento di calunnia nella dottrina civilistica dei secoli XI–XIII* (Milan, 1995), esp. 77–84.

162 Above, at nn. 8–11.

163 *MGH, Constitutiones*, 96–7 no. 50 (3 April 1047); re-issued by Henry V: A. Gaudenzi, 'La costituzione di Onorio II sul giuramento di calunnia e la Lombarda Legge imperiale di Enrico V', *QF*, 14 (1911), 267–86.

164 *Inherentes vestigiis* (JL 7401), *X* 2.7.1: see P. Landau, 'Rechtsfortbildung im Dekretalenrecht: Typen und Functionen der Dekretalen des 12. Jahrhunderts', *ZRG Kan. Abt.*, 86 (2000), 86–131, at 120–1. Gratian has no reference to the *iuramentum calumnie* and only a grudging acceptance that oaths could be taken licitly.

165 Above, n. 64.

concerned rents, financial transactions, or property-rights in which the *iuramentum* had a role in concentrating the minds of dishonest litigants. In the S. Prassede case (1151),¹⁶⁶ for example, Eugenius had been on the point of requiring the oath of calumny from S. Croce's *oconomus* when the steward threw in his hand and acknowledged the legitimacy of the plaintiff's claim, and four years later (1155), the refusal of Romanus to take the oath in similar circumstances lost the case for S. Maria in Monasterio in Adrian IV's court.¹⁶⁷

Eugenius explained his own practice in a letter (*In pertractandis causis*) to Cardinal Gerald of S. Stefano in Celiomonte¹⁶⁸ and Bishop Jerome of Arezzo in July 1151 x 52.¹⁶⁹ He did not require the oath of calumny as a matter of course (*passim*), but when he did – after carefully examining the nature of the case and the rank of the persons (*et causae et principalium personarum qualitate diligenter inspecta*) – he sometimes required the principals and sometimes their stewards to take the oath.¹⁷⁰ And in a second letter (*Litteras dilectionis*), relating to a case between Bishop Gerard of Bologna and Abbot Aldrico of S. Giustina (Padua) and addressed to two noted lawyers, the subdeacon Ardito¹⁷¹ and Master Omnebene,¹⁷² he distinguished between two categories

166 Above, at n. 36.

167 Above, n. 40. Even earlier, in 1140 x 4, in a case between Bps Ildizo of Sovana and Ildebrandus Beccari of Orvieto, Sovana lost, because its bp refused to take the oath of calumny when required to do so by Orvieto's advocate, Master Vivian: M. Polock, 'Der Prozess von 1194 zwischen Orvieto und Sovana um das Val di Lago mit Edition der Akten und der Bischofsliste von Sovana bis zum Ende des 12. Jahrhunderts', *QF*, 70 (1990), 46–150, at 51–2, 119. For the subsequent career of the canonist Vivian, see *ibid.*, 53 n. 11; eadem, 'Magister Vivianus, ein Kardinal Alexanders III. Prosopographische Anmerkungen', in *Papsttum, Kirche und Recht im Mittelalter: Festschrift für Horst Fuhrmann zum 65. Geburtstag*, ed. H. Mordek (Tübingen, 2001), 265–76; Brixius, 66–7. Many years later (1182), by then CP of S. Stefano in Monte Celio (1175–84), Vivian used *Superest videre*, a civilian *summula* on appeals, in a consultation: S. Kuttner, 'Zur neuesten Glossatorenforschung', in *Studia et documenta historiae et iuris*, 6 (1940), 275–319, at 299; repr. with the same pagination in *Studies in the History of Medieval Canon Law* (Aldershot, 1990), no. 1.

168 1151–8: Brixius, 54.

169 For the date, see Holtzmann, 'Kan. Erg.' [1], 86–7 no. 27.

170 *In pertractandis causis*: JL 9506; WH 560. Pd: X 2.7.3; cf. Holtzmann, 'Kan. Erg.' [1], 86–7 no. 27.

171 Ardicio of Rivoltella (nr Cremona), subdeacon of the Roman Church from c.1151 x 2, CD of S. Teodoro 1156–86: Brixius, 58 no. 2, 113 n. 138; Zenker, 157–9.

172 Master Omnebene, later bp of Verona 1157–85, compiled an *Abbreviatio Decreti* c.1156: *Dictionnaire de droit canonique*, vi (Paris, 1957), 1111–12; R. Weigand, 'Die Dekret-Abbreviatio Omnebenes und ihre Glossen', in *Recht als Heilsdienst: Mathias Kaiser zum 65. Geburtstag gewidmet*, ed. W. Schulz (Paderborn, 1989), 271–87.

of action, namely, that those involving 'churches, tithes'¹⁷³ and spiritual things' were governed by the 'equity of the canons', while 'others' were subject to the 'constraint of the [civil] laws'. Since the Roman Church did not require the oath of calumny in the former, he ordered the judges to proceed to an equitable judgment without it.¹⁷⁴ This distinction was difficult to maintain in courts where the oath was normal practice, however. Such was the case in the Arles–Nîmes region¹⁷⁵ (and indeed much of Italy), where *causidici* routinely required litigants to take the oath of calumny at the beginning of the process.

At some uncertain date during his pontificate, the tension between the 'equity of the canons' and the 'constraint of the laws' presented itself in a striking manner, when the abbot of Franquevaux¹⁷⁶ and other Cistercian abbots had been required to take the oath of calumny, although it was not customary among their brethren. In his response to the archbishop of Arles and the bishops of Maguelonne and Nîmes (*Imperatorum secularium*), Eugenius frankly acknowledged the problem.¹⁷⁷ After referring generally to 'the laws of the secular emperors and the ecclesiastical constitutions of the holy fathers' that protected all religious persons (*religiosi viri*) from molestation and disturbance, he declared that he could not and should not mandate the abbots to take the oath. Nevertheless he commanded them 'to appoint a steward (*oeconomus*) in their monasteries as the imperial constitutions decree,¹⁷⁸ who can sue or defend an action on their account and, when necessary, tender the oath of calumny'. This was to be done 'lest, if the said oath were not offered on their part when circumstances require it ... they might seem by this to keep another's rights unlawfully and lose their own case'. The recipients were mandated to instruct the brethren (*fratres*) involved in the case about how they should proceed in the future to protect their rights, and Bishop Aldebert of Nîmes was instructed to

173 The text originally read *decimis ecclesiarum* (tithes of churches), but had been transformed into *ecclesiis, decimis* (churches, tithes) by the time it reached *X* 2.7.2.

174 *Literas dilectionis* (1 Aug. 1151 × 2): JL 9654; WH 625. Pd: *App.* 23.2; *X* 2.7.2; cf. Gaudenzi, 'La costituzione di Onorio II', 284–5.

175 The context of Peter the Venerable's complaint, discussed above, at n. 95.

176 *X* 2.7.4 mistakenly reads 'Clairvaux'. Franquevaux had been founded in 1143.

177 *Imperatorum secularium*, to Abp R(aymond de Montredon) of Arles (1142–56) and Bps R(aymond) of Maguelonne (1129–58) and A(ldebert d'Uzès) of Nîmes (1141–80): JL 9653; WH 545. Pd: *X* 2.7.4; cf. *PL*, clxxx, 1555 no. 534 [§§ a–b], from *App.* 23.4. There is some uncertainty about whether the third recipient was bp of Nîmes or of Avignon, but Franquevaux was in the diocese of Nîmes.

178 Henry III, 1047: above, n. 163.

appoint a suitable steward for Franquevaux, who would be agreeable to the monastery in such an office.

Honorius II had opened the door to what one may call a dual track approach to the oath of calumny in 1125, and Eugenius followed closely in his footsteps; but in ordering the Cistercian monasteries to appoint stewards who could represent them in court and take the oath on their behalf, he consolidated its use. His letters on the subject passed rapidly into the legal tradition. Two circulated in Appendices to Gratian's *Decretum*,¹⁷⁹ and all three appeared in early decretal collections whence, in the next century, the essence of *In pertractandis*, *Litteras dilectionis*, and *Imperatorum secularium* joined Honorius II's *Inherentes vestigiis* in the *Liber Extra* to form the basis of the new procedure.¹⁸⁰

* * * *

Bernard and Gerhoch were not wrong when they described the march of the forensic law through the courts of the Church, but as the history of the *iuramentum calumnie* illustrates, the die had already been cast when Eugenius became pope. No amount of nostalgia for the simplicity of the past could reverse the trends already set in the most economically and politically advanced parts of Europe. Rights and properties had to be defended, not only in ecclesiastical courts, but also, and increasingly, before mixed lay and ecclesiastical tribunals where professional lawyers followed the procedures of the civil law. The canons of Verona, for example, consulted judges and jurists from Milan and Brescia in May 1147 in their successful case against the counts of Ronco for control of the *castrum* of Cerea, heard before the consuls of Verona.¹⁸¹ Eugenius, who 'by the Lord's disposition, presides over others in the Seat of Justice (*in sede justitie, disponente Domino, aliis presidemus*)',¹⁸² was operating in a rapidly changing legal environment. He readily admitted the *iurisperiti*, *causidici*, *advocati* and their civilian arguments into his courts, but he was following a trend, not setting one.

179 *In pertractandis*: Harvard, 22; Innsbruck, 3; Ambr. 8 (Holtzmann, 'Kan. Erg.' [1], 86–7 no. 27). *Litteras dilectionis*: Ambr. 6, Biberach, fol. 236vb; Darmstadt, 3, Graz, fol. 238vb–284ra; Innsbruck, 2; Harvard, 26; Pommersfelden MS 2744, fol. 239 (Holtzmann, 'Kan. Erg.' [2], 76 no 67). MS details listed in alphabetical order in Holtzmann/Cheney, xx, xxii, xxiv, xxviii, xxx.

180 *X* 2.7.2–4.

181 Padoa Schioppa, 'Le rôle du droit savant', 361–5; cf. Reynolds, 'The Emergence of Professional Law', 353–61.

182 *PL*, clxxx, 1533–6 no. 512 (9 June 1152), at 1533.

What had once appeared so novel and shocking to Bernard and Gerhoch was already familiar to their Provençal and Italian brethren.¹⁸³

About the author

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¹⁸³ See the letter from a canon (? Raymond Arnalli) of Saint-Victor in Marseilles to his (new abbot ?Bernard) requesting permission to remain in Italy to study 'the laws' so that he could help to defend his monastery. Intending to study in Pisa, he requests the abbot to ask the prior of Pisa to help him: *PL*, cli, 639–42; J. Dufour, G. Giordanengo, and A. Gouron, 'L'attrait des "leges". Notes sur la lettre d'un moine victorin (vers 1124/1127)', *Studia et Documenta Historiae et Iuris*, 45 (1979), 504–29. A much later date of 'the 1180s' was suggested by A. Winroth, 'The Teaching of Law in the Twelfth Century', *Law and Learning in the Twelfth Century: Proceedings of the Second Carlsberg Academy Conference on Medieval Legal History, 2005*, ed. H. Vogt and M. Münster-Swendsen (Copenhagen, 2006), 41–62, at 48–9.

2. Curial Politics and Papal Power: Eugenius III, the Curia, and contemporary theological controversy

Christoph Egger

Fonnesberg-Schmidt, Iben and Andrew Jotischky (ed.), *Pope Eugenius III (1145–1153). The First Cistercian Pope*. Amsterdam University Press, 2018

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Abstract

Elected while his mentor, Bernard of Clairvaux, was still alive, Eugenius III oversaw the papacy's transformation from a primarily spiritual into an administrative institution and the Curia as a place where scholars like Robert Pullen, Bernard of Morlas, Bernard Silvestris, Hildegard of Bingen, Anselm of Havelberg, Burgundio of Pisa, Arnold of Brescia and Gerhoch of Reichersberg could approach the pope. One of the most prominent doctrinal conflicts of the twelfth century, the trial of Bishop Gilbert of Poitiers at Reims in 1148, reveals the inner workings of the Curia. And finally, what was Bernard's role during Eugenius III's pontificate? How did the cardinals react to his unrelenting lobbying, and did Eugenius finally manage to emancipate himself from his mentor's influence?

Keywords: papal Curia; cardinals; early scholastic theology; Gilbert of Poitiers; Bernard of Clairvaux

In contrast with other twelfth-century popes Eugenius III was not an outstanding intellectual.¹ Quite the opposite, if we follow the rather ambiguous characteristics assigned to Eugenius by Boso in his continuation of the *Liber*

¹ Here and in the following the expression 'intellectual' is used with some reluctance. I am still not convinced that Jean Paul Sartre or Albert Camus, the twentieth-century prototype intellectuals, have much in common with twelfth-century scholars like Peter Abelard, Hugh of Saint-Victor, or Gilbert of Poitiers – notwithstanding J. Le Goff, *Les intellectuels au moyen âge* (Paris 1957). I would like to thank the editors of this volume for their patience and support and Brenda Bolton and Katharina Kaska for discussion and friendship. This article was completed

pontificalis. According to some, Boso writes, there were doubts whether the abbot of S. Anastasio would be capable of shouldering the burden of the papal office. However, divine grace had unexpectedly conferred upon him so much erudition, eloquence, sense of justice, and polished manners that he outdid many of his predecessors.² Immediately after the election Bernard of Clairvaux wrote a letter in which he criticized the cardinals for having elected a monk, thus tearing him away from the contemplative life. Bernard certainly had an intimate knowledge of the character of the former Clairvaux monk and future pope and described him as somebody living the life of a farmer (*homo rusticanus*), used to working with axe and hoe.³ The expression *homo rusticanus* when used with respect to a way of life or to intellectual abilities is rather deprecatory.⁴ But this of course is not the meaning intended by Bernard. Rather, he meant to signify that the pope and former monk was well adapted to the monastic life, which is characterized by intellectual and formal simplicity – as opposed to the refined style of life and social interaction in the papal Curia with its intrigues and corruption, power play and political deal making.

The papal Curia emerged as a social and political entity in the course of the second half of the eleventh century – a process closely linked to the changing roles of the papacy. It was the administrative, juridical and religious body the head of which was the pope, and was shaped similarly

in August 2014. Except for a few titles it was not possible to add all relevant later publications to the bibliography.

2 Boso, *Vita Eugenii*, 386, 'Dubitantibus autem cunctis fratribus suis quod ad regendum tante sublimitatis officium insufficiens esset et minus ydoneus, tantam ei Dominus gratiam repente conferre dignatus est in scientia et sermone, in facundia et liberalitate, in conservanda cunctis iustitia et in omni morum elegantia, quod multorum decessorum suorum actus preclaros superaret et famam.' This is echoed by the *Chronica pontificum et imperatorum* of Martin of Troppau, who says about Eugenius, 'Hunc, cum simplex fuerit ante, Deus mirabili gracia perfudit et eloquencia': Martin of Troppau, *Chronica pontificum et imperatorum*, ed. L. Weiland, *MGH SS*, xxii (1872), 377–475, at 436.

3 Bernard, 'Epistolae', 113–15 no. 237, at 114 l. 4–6: 'Quid igitur rationis seu concilii habuit, defuncto summo Pontifici repente irruere in hominem rusticanum, latenti inicere manus et, excussa e manibus securi et ascia vel ligone, in palatium trahere, levare in cathedram'. According to some accounts at Clairvaux the future pope was occupied with manual work such as washing dishes and feeding a stove. Cf. Horn, *Studien*, 36.

4 For instance Conrad of Eberbach, *Exordium magnum Cisterciense*, ed. B. Griesser, CCCM, 138 (Turnhout, 1994), 261–3 (iv.17), at 261 ll. 13–14 about a monk who by divine gift received the ability to read Latin: 'homo rusticanus, qui numquam litteras didicerat'. Interestingly Bernard himself used the expression in this sense with respect to Eugenius, although in the context of a fictitious argument: Bernard, 'De consideratione', 401–2 (i.6), at 401 l. 16: 'Quid dicit homo rusticanus et imperitus'.

to contemporary secular courts. The members of the Curia – cardinals, chaplains, scribes, and others – served in the papal chapel, in the courts of law, in the financial administration, and in the chancery. They provided administrative service and advice and were thus able to exert influence on the pope. It was therefore of some importance for ecclesiastical and secular rulers to be on good terms not only with the pope himself but also with the members of the Curia. The resulting climate of worldliness, ambition, intrigue, bribery, and greed was criticized by many in the twelfth century, not only by satirists and polemicists⁵ but also by serious authors like John of Salisbury⁶ and – last but not least – Bernard of Clairvaux. Apart from Bernard's many letters to Eugenius, the main text in this respect is his treatise *De consideratione*, a book of advice for the pope. But – quite ironically – at the same time Bernard is perhaps the most prominent of the persons who tried more or less continually to influence papal decisions,⁷ and it is Bernard who was the driving force behind a conflict in which the papacy played an important role and which had much to do with intellectual simplicity.

Intellectual simplicity is one of the key characteristics of the good monk, who continuously meditates on the meaning of the Scriptures, while refraining from audaciously speculating about the divine mysteries. Jean Leclercq coined the expression 'monastic theology' for this approach, and although the term is not without limitations it is still useful to characterize an important intellectual current in the twelfth century.⁸ To the other current belong, of course, the emerging scholasticism and, linked with and in part resulting from it, ongoing changes in many areas of society.⁹ The thriving schools of Italy and France led, towards the end of the century, to the emergence of the universities of Bologna and Paris. Apart from their

5 See J. Benzinger, *Invectiva in Romam: Romkritik im Mittelalter vom 9. bis zum 12. Jahrhundert*, Historische Studien, 404 (Lübeck/Hamburg, 1968); H. Schüppert, *Kirchenkritik in der lateinischen Lyrik des 12. und 13. Jahrhunderts*, Medium Aevum, 23 (Munich, 1972).

6 Cf. his famous conversation with Pope Adrian IV, described in *Policraticus*, vi.24: *Ioannis Saresberiensis episcopi Carnotensis Policratici sive de nugis curialium et vestigiis philosophorum libri VIII*, ed. C.C.I. Webb, 2 vols (Oxford, 1909, repr. Frankfurt am Main, 1965), ii, 67–71.

7 Already in the first letter to the recently elected Eugenius Bernard mentions the case of the disputed election of the archbishop of York: Bernard, 'Epistolae', 115–19 no. 238, at 118.

8 Cf. J. Leclercq, *L'amour des lettres et le désir de Dieu: initiation aux auteurs monastiques du moyen âge*, 3rd edn (Paris, 1990) (here 195–6 about the *sancta simplicitas*); idem, 'The Renewal of Theology', in *Renaissance and Renewal in the Twelfth Century*, ed. R.L. Benson, G. Constable, and C.D. Lanham (Cambridge MA, 1982), 68–87; idem, 'Naming the Theologies of the Early Twelfth Century', *Mediaeval Studies*, 53 (1991), 327–36.

9 R.W. Southern, *Scholastic Humanism and the Foundation of Europe*, 2 vols (Oxford, 1995–2000) – to give just one reference from the abundant bibliography.

inherent value, learning and knowledge became a means to achieve a career in the secular or ecclesiastical sphere. Already in the second quarter of the twelfth century the impact of this development can be observed in the papal Curia: a growing number of officials and cardinals was educated in the schools;¹⁰ when during the pontificate of Pope Innocent II Bernard of Clairvaux worked for and finally achieved a condemnation of the teachings of Peter Abelard, he was – to his great dismay – confronted with the resistance of cardinals and curial officials who were former pupils of the famous master or at least sympathetic to him.¹¹

The *homo rusticanus* Eugenius III was not spared such problems and the events surrounding the attempted condemnation of the teachings of Gilbert de la Porrée, bishop of Poitiers in 1148 are a telling example of how much times and circumstances had changed. But before turning to this affair we shall first examine briefly the scholars and authors who either made close contact with Eugenius or at least tried to do so: the cardinals, curial officials, scholars and authors seeking favours and preferment, or pushing an agenda.

Intellectuals inside the Curia: Hyacinth and Cardinal Robert Pullen

One of Abelard's supporters and possibly former pupils in the Curia was the subdeacon Hyacinth. In his *Historia pontificalis*, John of Salisbury reports that, together with the future heretic Arnold of Brescia, Hyacinth was fighting for Abelard's cause against Bernard of Clairvaux,¹² indeed Bernard himself complained about him in two letters to Pope Innocent II and the

10 P. Classen, 'Rom und Paris: Kurie und Universität im 12. und 13. Jahrhundert', in idem, *Studium und Gesellschaft im Mittelalter*, ed. J. Fried, Schriften der Monumenta Germaniae Historica, 29 (Stuttgart, 1983), 127–69; Zenker, *passim* – although rather dated, this doctoral thesis is still a useful prosopographical survey and not entirely replaced by more recent publications, for instance: *Geschichte des Kardinalats im Mittelalter*, ed. J. Dendorfer and R. Lützelshwab, Päpste und Papsttum, 39 (Stuttgart, 2011); *Die Kardinäle des Mittelalters und der frühen Renaissance*, ed. J. Dendorfer and R. Lützelshwab with J. Nowak, Millennio Medievale, 95 = Strumenti e studi, n.s., 33 (Florence, 2013).

11 Zenker, 213.

12 JS *HistPont*, 63 c.31: 'descendit [Arnaldus] in Franciam et adhesit Petro Abaielardo, partesque eius cum domino Iacincto, qui nunc cardinalis est, aduersus abbatem Clareuallensem studiosius fouit'. For Arnold of Brescia see below.

papal chancellor, Aimeric.¹³ It might therefore be no coincidence that he was promoted to the cardinalate by Pope Celestine II,¹⁴ who was another of Abelard's men inside the Curia.¹⁵ During Eugenius's pontificate Hyacinth was usually in the entourage of the pope, which could be interpreted as evidence for a somewhat closer relationship. He later established himself as an experienced diplomat with particular expertise in Spanish affairs. Finally, in 1191, in his eighties, he was elected pope under the name of Celestine III.

Probably the most prominent scholar in the Curia at the time when Eugenius was elected was the Englishman Robert Pullen.¹⁶ Born in Sherborne, he studied in France (at Laon or Paris) before he started teaching in England, perhaps in Exeter and afterwards in Oxford. He then moved to Paris and taught in the school of Notre Dame, where he was one of John of Salisbury's masters in theology.¹⁷ A collection of sentences and some sermons were written during this period of his life. In 1144 he travelled to Rome, probably because of a lawsuit concerning his English revenues. Pope Lucius II appointed him head of the papal chancery and, in December 1144, made him cardinal priest of SS. Silvestro e Martino ai Monti. The exact reasons for his appointment are not known, but Robert seems to have been well connected in the Curia, and this, apart from his learning, might have

13 Bernard, 'Epistolae', 12–16 no. 189, at 16 ll. 8–11 (to Pope Innocent II, June 1140): 'Iacinctus multa mala ostendit nobis; nec enim quae voluit potuit. Sed visus est mihi patienter ferendus de me, qui nec personae vestrae, nec curiae in curia illa pepercit' – Bernard's emissary will tell the pope about this; and in more or less the same words in Bernard, 'Epistolae', 277–8 no. 338, at 278 ll. 18–21 to the papal chancellor Aimeric (June 1140).

14 There is some uncertainty about the date of his promotion: according to Zenker, 163, he was promoted by Lucius II in 1144; but V. Pfaff, 'Celestino', *Dizionario biografico degli Italiani*, xxiii (Rome, 1979), 388–92 asserts his promotion by Celestine II in December 1143, and J. Doran, 'A Lifetime of Service in the Roman Church', in *Pope Celestine III (1191–1198): Diplomat and Pastor*, ed. J. Doran and D.J. Smith (Farnham/Burlington, 2008), 31–79, at 39 and 45 convincingly argues for the earlier date.

15 See Bernard, 'Epistolae', 43–4 no. 192.

16 F. Courtney, *Cardinal Robert Pullen. An English Theologian of the Twelfth Century*, *Analecta Gregoriana*, 64 (Rome, 1954); Zenker, 89–92; Southern, *Scholastic Humanism*, i, 176–9; D. Luscombe, 'Pullen, Robert († in or after 1146)', *ONDB*, online edn: <http://www.oxforddnb.com/view/article/22877> (accessed 11.10.2013).

17 John of Salisbury, *Metalogicon*, ed. K.S.B. Keats-Rohan, CCCM, 98 (Turnhout, 1991), 70–3 (i.10), at 72 ll. 79–82: 'Successit Rodbertus Pullus, quem uita pariter et scientia commendabant. Deinde me excepit Simon Pexiacensis ... Sed hos duos in solis theologicis habui praeceptores.' Robert's predecessor Gilbert became bishop of Poitiers in 1142. Elsewhere in the *Metalogicon* (ibid., 20–2 [i. 5], at 21 ll. 44–5) he is described as 'Robertus Pullus cuius memoria bonis omnibus iocunda est.' For John of Salisbury's famous account of his studies see C.J. Nederman, *John of Salisbury*, *Medieval and Renaissance Texts and Studies*, 288 (Tempe, 2005), 4–11 (with references to older publications).

helped his promotion.¹⁸ Robert therefore must have been among the electors of Eugenius III. In this context it is interesting to note that he was on good terms with Bernard of Clairvaux, who soon after the election asked Robert to give special support and advice to the new pope.¹⁹ Little is known about Robert's activities in the papal administration. He explicitly supported Sherborne abbey, where his cousin was prior,²⁰ and it was suggested that he might have had a hand in bringing other Englishmen into the service of the Curia, among them John of Salisbury and, above all, Nicolas Breakspear, the future pope Adrian IV.²¹ Robert disappeared from papal documents in September 1146,²² so he probably died at about that time.

Intellectuals dedicating writings to the pope

Like many popes before and after him, Eugenius III received a considerable number of dedications of scholarly and other texts. Given the often rather topical character of such dedications, their significance should not be overemphasized, but they nevertheless give an impression of the network of intellectual ambition and creativity the centre of which was the pope.

One example is the poet and monk Bernard of Morlas (Morlaix) or Cluny. Apart from his writings very little is known about his life.²³ His most success-

18 Bernard, 'Epistolae', 64 no. 205, at 64 ll. 8–9: to Bishop Ascelin of Rochester about Robert (c.1142): 'Si dixi hominem fultum gratia amicorum, quorum in curia non minima auctoritas est'.

19 Bernard, 'Epistolae', 309–10 no. 362 to Robert. The letter alludes in rather favourable terms to Robert's performance as master in the schools.

20 Apart from several papal letters issued in 1145 and 1146 in favour of the abbey there is a letter written by Robert to the judges delegate appointed in the case. The letter is far more than a recommendation but comes close to blackmail. Cf. *PU England*, iii, 173 no. 48.

21 Cf. R.L. Poole, 'John of Salisbury at the Papal Court', in idem, *Studies in Chronology and History* (Oxford, 1934), 248–58, at 250; idem, 'The Early Lives of Robert Pullen and Nicholas Breakspear, with Notes on Other Englishmen at the Papal Court about the Middle of the Twelfth Century', in *ibid.*, 287–97. These suggestions are, however, highly speculative. For Adrian IV's early life see C. Egger, 'The Canon Regular: St Ruf in Context', in *Adrian IV. The English Pope (1154–1159): studies and texts*, ed. B. Bolton and A.J. Duggan (Aldershot, 2003), 15–28, at 25–6.

22 In late September 1146 another official started to date the solemn privileges: S. Hirschmann, *Die päpstliche Kanzlei und ihre Urkundenproduktion (1141–1159)*, Europäische Hochschulschriften, III/913 (Frankfurt am Main/Berlin/Bern, 2001), 84–5.

23 T. Haye, *Päpste und Poeten: Die mittelalterliche Kurie als Objekt und Förderer panegyrischer Dichtung* (Berlin, 2009), 164–7. The text is extant in a single manuscript (Vatican City, BAV, MS Reg. lat. 134). Haye, *Päpste und Poeten*, 164, states that the manuscript is 'not accidentally being kept in the Vatican Library'; he therefore seems to assert that the manuscript is the dedication copy – which is difficult to believe, given the fact that it was written in the thirteenth century

ful poem, *De contemptu mundi* (in the Middle Ages often wrongly attributed to Bernard of Clairvaux) was dedicated to Abbot Peter the Venerable of Cluny, but the addressee of the shorter poem *De octo viciis* is Eugenius III.²⁴ In the text there is an allusion that the author delivered the poem in person to the pope, while he was on business at the Curia, and recited parts of it in front of an audience in the Lateran Palace. The poem is about the vices in general but then turns to Rome as a place where the effects of all the vices can be studied particularly well: greed, venality, and dissension can be found everywhere, including among the clerics: *Roma, caput mundi, meruit prope cauda refundi*.²⁵ The text therefore fits into the pattern of criticism and satire against the Roman Curia.²⁶ To dedicate such a poem to the pope might seem rather bold, and indeed Bernard immediately assures Eugenius that it is not he or his immediate collaborators who are being targeted.²⁷ Quite the opposite: the pope stands out for his moral virtues and his learning, not least because it was he who reintroduced the Muses into the Lateran Palace, by allowing Bernard to read his text in public. In this case the author's intention to criticize and admonish and the pope's efforts for a reform of the Curia seem to have met.²⁸

When Eugenius stayed in France in 1147/48, he had the opportunity to enjoy another poetic recital. The renowned master Bernard Silvestris, who taught rhetoric at Tours, was the author of the prosimetrum *Cosmographia*.²⁹ The work describes the creation of the universe (*megacosmos*) and of men (*microcosmos*) in a style heavily loaded with allegory and strongly influenced by classical literature and mythology. This scholarly tradition is commonly linked to the 'school of Chartres',³⁰ and indeed Bernard dedicated the work to the famous Chartrian master Thierry. There is, however, an interesting

and reached the Vatican Library as late as 1690 with the other manuscripts belonging to Queen Christina of Sweden.

24 Bernardi Cluniacensis *Carmina de Trinitate et de fide catholica, De castitate servanda, In libros Regum, De octo viciis*, ed. K. Halvarson, *Studia Latina Stockholmiensia*, 11 (Stockholm/Göteborg/Uppsala, 1963), 97–138.

25 *De octo viciis*, v. 1257, ed. Halvarson, 133.

26 See n. 5 above.

27 'De uiciis octo librum te iudice docto | Scribens limandum, te, papa, precor michi blandum, | In quo succincte pro te tibi, non loquar in te': *De octo viciis*, v. 3–5, ed. Halvarson, 97.

28 Haye, *Päpste und Poeten*, 167.

29 Bernardus Silvestris, *Cosmographia*, ed. P. Dronke, *Textus minores*, 53 (Leiden, 1978); W. Wetherbee, *The Cosmographia of Bernardus Silvestris: a translation with introduction and notes* (New York, 1973, repr. 1990).

30 But see Southern, *Scholastic Humanism*, i, 58–101, for the scholarly debate about the term 'school of Chartres' and a re-assessment of his own position in this debate.

allusion to Pope Eugenius in the text. In the third book of the *Megacosmos* Bernard describes the birth and unfolding of the ordered universe from unordered matter, and the development of the parts of this universe. Among these, the stars and planets are linked to human character and behaviour and in consequence to human history, as is shown by some examples of ancient heroism and ingenuity, culminating in the incarnation of Christ: *'Exemplar speciemque dei virguncula Christum / Parturit, et verum secula numen habent'*.³¹ And the same divine munificence that is expressed in the Incarnation allows for Pope Eugenius as a gift to the world: *'Munificens deitas Eugenium comodat orbi, / Donat et in solo munere cuncta semel'*.³² It is possible that these two lines are an addition to the original poem, made on the occasion of its recitation in front of the pope.³³ Interestingly, in one early thirteenth-century manuscript a gloss to the respective lines explicitly states that the text was read to Eugenius while he stayed in France and that the pope liked it.³⁴ One can only guess at Bernard's intentions. We will probably never know whether he hoped for preferment, for a financial reward,³⁵ or for formal approval of the contents.

Formal approval was the explicit purpose of Hildegard of Bingen's contact with the pope during his stay at Trier in late 1147-early 1148 – at least this is the impression given by the sources. Hildegard was then living as an anchoress in the monastery of Disibodenberg and was already known for her visions, which she had started to write down. According to the biography of Hildegard compiled by the monk Theoderic of Echternach from autobiographical texts by Hildegard and pieces left by her secretary Gottfried of Disibodenberg, the abbot of Disibodenberg asked Archbishop Henry I of Mainz for advice about these unsettling visions. The archbishop

31 Bernardus Silvestris, *Cosmographia*, I, *Megacosmos*, iii, 53–4, ed. Dronke, 105; trans. Wetherbee, 76: 'A tender virgin gives birth to Christ, at once the idea and the embodiment of God, and earthly existence realizes true divinity'.

32 Bernard Silvestris, *Cosmographia*, I, *Megacosmos*, iii, 55–6, ed. Dronke, 105; trans. Wetherbee, 76 'Divine munificence bestows Eugene upon the world, and grants all things at once in this sole gift.'

33 Wetherbee, 149 n. 63, who points out that there is a very close parallel to the text in Bernard's poem *Mathematicus*: see Bernardus Silvestris, *Mathematicus*, ed. J. Prelog, M. Heim, and M. Kießlich, *Studien zur Theologie und Geschichte*, 9 (St. Ottilien, 1993), 84 ll. 505–6: 'Nature prelarga manus te pretulit orbi, / et dedit in solo munere cuncta semel.'

34 *Cosmographia*, ed. Dronke, 2: 'Iste Eugenius fuit papa in cuius presencia liber iste fuit recitatus in Gallia, et captat eius benevolentiam.' The manuscript is Oxford, Bodleian Library, MS Laud Misc. 515, from Waltham Abbey. It was used by Dronke as base manuscript for his edition (*ibid.*, 65–6).

35 The latter motive is assumed by Haye, *Päpste und Poeten*, 169.

sent a copy – very probably an early version of Hildegard's *Scivias* – to Eugenius III, asking for his judgment.³⁶ It was possibly in this context that Hildegard wrote to Eugenius, describing to him the divine inspiration of her visions and asking him to read with good will what she had written.³⁷ Envoys were dispatched to Disibodenberg to inquire about Hildegard and returned with convincing information about the nun's credibility. When the pope received the report he ordered Hildegard's writings to be brought forward and he himself – 'recitatoris uice functus' – read them to the archbishop, the cardinals, and all others present.³⁸ In the audience was Bernard of Clairvaux, who encouraged Eugenius in his opinion that Hildegard's outstanding prophetic gift should not be neglected but rather confirmed by apostolic authority. The pope therefore wrote a letter to Hildegard, not only allowing but even ordering her to commit to writing whatever she learns from the Holy Spirit.³⁹ Obviously the biography belongs to the literary genre of hagiography.⁴⁰ Its intention was to emphasize Hildegard's sanctity and to defend the authority of her writings against all possible doubt. They are not only divinely inspired, but also authorized and approved by the Apostolic See. However the respective papal letter is not extant⁴¹ and indeed

36 Gottfried and Theoderic of Echternach, *Vita s. Hildegardis*, ed. M. Klaes, CCCM, 126 (Turnhout, 1993), 9–10 (i.4), at 9 ll. 4–7: 'Visum est pontifici Moguntine ciuitatis et maioribus cleri ad apostolici cognitionem de his esse ueniendum, quatinus ex ipsius auctoritate nosceretur, quid de compertis recipiendum aut refutandum foret.'

37 Hildegard of Bingen, *Epistolarium*, ed. L. Van Acker and M. Klaes-Hachmöller, CCCM, 91, 91a, 91b, 3 vols (Turnhout, 1991–2001), i, 7–8 no. 2.

38 Gottfried and Theoderic of Echternach, *Vita s. Hildegardis*, ed. Klaes, 9–10 (i.4), at 9 ll. 17–23: 'His papa recognitis iubet representari scripta beate Hildegardis, que sibi de predicto cenobio perlata susceperat; et ea manibus propriis tenens ipseque recitatoris uice functus archyepiscopo et cardinalibus omnibusque, qui de clero aderant, publice legit ac responsa uiuorum, quos ad hec indaganda miserat, pronuntians omnium mentes et uoces in laudem conditoris et congratulationem excitauit.'

39 Gottfried and Theoderic of Echternach, *Vita s. Hildegardis*, ed. Klaes, 9–10 (i.4), at 9 ll. 28–33: 'Ad hec reuerendus pater patrum tam benigne quam et sagaciter assensum prebens litteris saluatoris beatam uirginem uisitauit, in quibus concessa sub Christi et beati Petri nomine licentia proferendi, quecumque per Spiritum sanctum cognouisset, eam ad scribendum animauit.'; from the autobiographical part *ibid.*, 21–4 (ii.2), at 24 ll. 97–102: 'Deinde scripta mea Eugenio pape, cum Treueri esset, sunt allata, qui ea gratanter coram plurimis legi fecit ac per seipsum legit; multumque de gratia Dei confidens benedictionemque suam cum litteris michi mittens precepit, ut ea, que in uisione uiderem uel audirem, scriptis adtentius commendarem.'

40 B. Newman, 'Three-Part Invention: The Vita S. Hildegardis and Mystical Hagiography', *Hildegard of Bingen. The Context of her Thought and Art*, ed. C. Burnett and P. Dronke, Warburg Institute Colloquia, 4 (London, 1998), 189–210, describing (at 193–7) the *vita* as a piece of autohagiography.

41 Cf. *Germania pontificia*, iv, 242 no. 3.

there is evidence that it never existed. Rather, the endeavours of Hildegard herself and her collaborators to shape her public image blur the picture.⁴² A careful comparison of the different textual traditions of the letter collection shows that they did not refrain from altering and even falsifying letters. The manipulation of texts did not stop short of papal letters. The letter collection includes a letter ascribed to Eugenius, which is certainly a fabrication⁴³ – perhaps an attempt to supply at least an expression of sympathy and affection if there was no written authorization. Although there are several letters from Hildegard to Eugenius,⁴⁴ there is only one known authentic letter by Eugenius to Hildegard, dealing with her appeal for support against the archbishop of Mainz. Although the text is rather flattering to Hildegard, in the matter itself the pope refuses to take her side. Curiously, in the later redactions of the letter collection the name of the sender was changed to Pope Adrian IV.⁴⁵ Contrary to what the *Vita Hildegardis* suggests, Eugenius did not formally authorize Hildegard's writings. There is, however, independent evidence⁴⁶ that Eugenius did indeed hold Hildegard in high esteem. In late 1166, in a letter to Master Gerard Pucelle at

42 J. Van Engen, 'Letters and the Public Persona of Hildegard', in *Hildegard von Bingen in ihrem historischen Umfeld: Internationaler wissenschaftlicher Kongreß zum 900jährigen Jubiläum*, 13.–19. September 1998, Bingen am Rhein, ed. A. Haverkamp and A. Reverchon (Mainz, 2000), 375–418; M. Embach, *Die Schriften Hildegards von Bingen. Studien zu ihrer Überlieferung und Rezeption im Mittelalter und in der Frühen Neuzeit*, Erudiri Sapientia, 4 (Berlin, 2003), 179–81; and most recently C. Meier, 'Prophetische Inauguration und kirchliches Amt. Zur Funktion informeller Autorisierung in der mittelalterlichen Kirche. Hildegard von Bingen – Rupert von Deutz – Wilhelm von Saint-Thierry', in *Rituale der Amtseinssetzung: Inaugurationen in verschiedenen Epochen, Kulturen, politischen Systemen und Religionen*, ed. H. Basu and G. Althoff, Religion und Politik, 11 (Würzburg, 2015), 95–127.

43 Hildegard of Bingen, *Epistolarium*, ed. Van Acker and Klaes-Hachmöller, iii, 173 no. 1. A second fictitious papal letter is ascribed to Eugenius's successor Anastasius IV (ibid., 174). *Germania pontificia*, iv, 242 no. 4, 244 no. 12. See Van Engen, 'Letters', 379–92.

44 Hildegard of Bingen, *Epistolarium*, ed. Van Acker and Klaes-Hachmöller, i, 8–9 no. 3, 11–16 nos 5–6.

45 Hildegard of Bingen, *Epistolarium*, ed. Van Acker and Klaes-Hachmöller, i, 10–11 no. 4; Hildegard of Bingen, *Epistolarium*, ed. Van Acker and Klaes-Hachmöller, iii, 177–8; *Germania pontificia*, iv, 243 no. 8.

46 There is other evidence, which, however, is dependent on the account of the *Vita Hildegardis*: Gebeno of Eberbach, *Speculum futurorum temporum sive pentacronon*, 2.13: 'Preterea sciendum quod libri sancte Hildegardis recepti et canonizati sunt a papa Eugenio in concilio Treuerensi, presentibus multis episcopis tam francorum quam teutonicorum et sancto Bernardo abbate clareuallensi.' (ed. José Carlos Santos Paz, *La obra de Gebenón de Eberbach*, Millennio Medievale, 46 [Florence, 2004], 6), and, dependent on Gebeno, the *Vita s. Gerlaci*: cf. H. Grundmann, 'Zur Vita s. Gerlaci eremitae', in idem, *Gesammelte Aufsätze*, i, *Schriften der Monumenta Germaniae Historica*, 25/1 (Stuttgart, 1976), 181–200, at 187–94 (first in *Deutsches Archiv für Erforschung des Mittelalters*, 18 [1962], 539–54).

Cologne, John of Salisbury asks whether the most famous Hildegard reveals anything in her visions about the end of the schism between Alexander III and his antipopes. The prophetess is particularly dear to John because Eugenius III 'cherished her with an intimate bond of affection'.⁴⁷ The exact nature of the pope's relation to Hildegard remains difficult to grasp, but it was definitely of a much more cautious and reluctant kind than the sources from Hildegard's circle are trying to suggest.

Occasionally, dedications of scholarly texts might even hint at Eugenius's personal interests. This could well be the case for two authors who were mainly occupied with the relationship between the Latin and the Greek Church and with the translation of Greek texts into Latin. Anselm of Havelberg⁴⁸ was a Premonstratensian, bishop of Havelberg in Germany, and finally archbishop of Ravenna. As an adviser and diplomat he worked for Emperor Lothar III and the German king Conrad III. On their mandate he not only visited the Curia on several occasions but also Constantinople. Here, in 1136, he participated in a disputation with the Greek archbishop Nicetas of Nicomedia about the theological differences between the Latins and the Greeks. In 1149 Conrad and the Byzantine emperor Manuel I Komnenos were engaged in intense negotiations, purportedly involving plans to restore Byzantine rule over Sicily. As these activities were eyed critically by the papacy,⁴⁹ Conrad sent Anselm to the pope to explain the situation to him. On this occasion Eugenius asked Anselm to write a report about his theological discussions with the Greeks thirteen years previously. Anselm called the resulting book *Anticimenon* and dedicated it to Eugenius.⁵⁰ In the prologue he refers to his meeting with the pope and the explicit instruction to write the book. He explains why, in the first book, he believed it necessary to deal with the different forms of religious life and the apparent contradiction of this diversity to the unity of the Church. The second and the third books

47 *The Letters of John of Salisbury*, ii: *The later letters*, ed. and trans. W.J. Millor and C.N.L. Brooke, OMT (Oxford, 1979), 222–5 no.185, at 224: 'De cetero communicate michi, si placet, nouorum aliquid quae in expilatis inuenitis armariis; si non aliud occurrit quod nostratibus desit, saltem uisiones et oracula beatae illius et celeberrimae Hildegardis apud uos sunt; quae michi ex eo commendata est et uenerabilis, quod eam dominus Eugenius speciali caritatis affectu familiarius amplectebatur. Explore etiam diligentius et rescribite an ei sit de fine huius scismatis aliquid reuelatum.'

48 J.T. Lees, *Anselm of Havelberg: deeds into words in the Twelfth Century*, Studies in the History of Christian Thought, 79 (Leiden, 1998).

49 Horn *Studien*, 69–77.

50 *PL*, clxxxviii, 1139–248. The German translation by H.J. Sieben, *Anticimenon: Über die eine Kirche von Abel bis zum letzten Erwählten und von Ost bis West*, Archa Verbi, Subsidia, 7 (Münster, 2010) is valuable for its introduction and commentary to the text.

are concerned with the separation of the Latin and the Greek Churches and therefore with another form of diversity. The prologue closes with praise, in rather flattering words, for Eugenius's theological learning and acumen, which should easily enable him definitively to confute the errors of the Greeks.⁵¹ From the prologue the main purpose of the book becomes clear: Anselm's main concern is the unity of Christendom, and he wants to alert the pope to this problem.⁵²

At the beginning of the second book Anselm gives a detailed account of the disputation in Constantinople, its setting, his Greek opponents and the persons present. Three members of the audience are singled out for their excellence in learning and their skills in translating from Greek into Latin: James of Venice, Burgundio of Pisa, and Moses of Bergamo.⁵³ Among these, Burgundio is another who dedicated some of his work to Pope Eugenius. Like Eugenius he was born in Pisa and, apart from being a jurist and judge in the city and a frequent emissary to Constantinople, became one of the most renowned and productive translators from Greek into Latin in the twelfth century.⁵⁴ Three of his translations were dedicated to and perhaps commissioned by Pope Eugenius III. The translation of the homilies of pseudo-Basilios about the prophet Isaiah is probably lost,⁵⁵ but his translation of John Chrysostom's Homilies on the Gospel of Matthew is still extant. The prologue gives a fine description of the circumstances which led to the pope asking Burgundio to translate the text. Eugenius was aware of the existence of two versions of Chrysostom's Homilies, both

51 'Quamvis autem vestrae beatitudinis arbitrium pretiosissimo sacrarum Scripturarum thesauro plenum et super omnia eminens abunde ad respondendum Graecis sufficiat' (PL, clxxxviii, 1142).

52 Sieben, *Anticimenon*, 21–2.

53 PL, clxxxviii, 1163: 'Aderant quoque non pauci Latini, inter quos fuerunt tres viri sapientes, in utraque lingua periti, et litterarum doctissimi: Jacobus nomine, Veneticus natione; Burgundio nomine, Pisanus natione; tertius inter alios praecipuus, Graecarum et Latinarum litterarum doctrina apud utramque gentem clarissimus, Moyses nomine, Italus natione ex civitate Bergamo; iste ab universis electus est, ut utrinque fidus esset interpret.'

54 P. Classen, *Burgundio von Pisa. Richter – Gesandter – Übersetzer (Mit der Edition eines Traktats vom Übersetzen)*, Sitzungsberichte der Heidelberger Akademie der Wissenschaften, phil.-hist. Klasse 1974, 4. Abhandlung (Heidelberg, 1974).

55 Mentioned by Burgundio in the prologue to his translation of John Chrysostom's homilies on the Gospel of John, ed. Classen in idem, *Burgundio*, 89 ll. 102–6: 'Sanctus vero Basilios predictum Ysaïam prophetam exponens septuaginta duorum interpretum editione mirabiliter ad litteram commentatur, eiusque hanc commentationem ego Burgundio iudex domino tercio Eugenio beate memorie papa de verbo ad verbum transferens'. Cf. R. Gryson and T.P. Osborne, 'Un faux témoin de la "Vetus Latina": la version latine du Commentaire pseudo-basilien sur Isaïe. Avec une note sur le ms. 179 de la "Vetus Latina"', *Revue Bénédictine*, 101 (1985), 280–92, at 291.

incomplete, and was curious to know the whole text. However, as a result of the lack of manuscripts in Europe he wrote to Patriarch Aimery of Antioch, asking him to send a copy of the text. He indeed received a manuscript, but (not surprisingly) it was written in Greek. The pope therefore commissioned Burgundio to prepare a translation, which task the judge reluctantly accepted and finally completed in November 1151.⁵⁶ The third and most important translation commissioned by Eugenius was a dogmatic text, John of Damascus's *Ekdosis* or, in Latin, *De fide orthodoxa*. The pope, who died on 8 July 1153, did not live to see the translation completed and there is no prologue or dedication. In many manuscripts, however, the title of the books reads 'Iohannis presbyteri Damasceni qui Mansur liber incipit in quo est traditio certa orthodoxae fidei ... a Burgundione iudice cive Pisano de graeco in latinum domino tertio Eugenio beatae memoriae papae translatus'.⁵⁷ In 1154, when the bishop of Paris stayed in Rome, he was accompanied by Peter Lombard, a renowned master of the school of Notre Dame, canon of the cathedral chapter, and author of four books of Sentences, which were soon to become the main theological textbook of the Middle Ages.⁵⁸ It is generally assumed that in Rome Peter had the opportunity to read Burgundio's translation of *De fide orthodoxa*, as he included several quotations from John of Damascus's work in his Sentences, in one instance even explicitly referring to Eugenius's commission.⁵⁹ John of Damascus's *De fide orthodoxa* subsequently became one of the most influential works of Greek theology

56 See Burgundio's prologue to the translation, printed in E. Martène and U. Durant, *Veterum scriptorum et documentorum historicorum, dogmaticorum, moralium amplissima collectio*, i (Paris, 1724), 817–19; cf. Classen, *Burgundio*, 71–2; R. Hiestand, *Papsturkunden für Kirchen im Heiligen Lande*, Vorarbeiten zum Oriens pontificius, 3 = Abhandlungen der Akademie der Wissenschaften in Göttingen philol.-hist. Klasse, 3. F. 136 (Göttingen, 1985), 201–2 no. 67.

57 Saint John Damascene, *De Fide Orthodoxa: versions of Burgundio and Cerbanus*, ed. E.M. Buytaert, Franciscan Institute Publications, Text series, 8 (St. Bonaventure N.Y./Leuven/Paderborn, 1955), 11. Eugenius is mentioned as the instigator of the translation in an addition to the chronicle of Robert of Torigni for the year 1152: 'Eugenius papa fecit transferri de graeco in latinum librum Petri [sic] Damasceni.' *The Chronicle of Robert of Torigni, Abbot of the Monastery of St. Michael-in-Peril-of-the-Sea*, in *Chronicles of the Reigns of Stephen, Henry I and Richard I*, ed. R. Howlett, RS 82/iv (London, 1886), 171; *Chronique de Robert de Torigni abbé du Mont-Saint-Michel suivie de divers opuscles historiques*, ed. L. Delisle (Rouen, 1872–3), i, 270.

58 M.L. Colish, *Peter Lombard*, Brill's Studies in Intellectual History, 41/1–2 (Leiden, 1994); P.W. Rosemann, *Peter Lombard*, Great Medieval Thinkers (Oxford, 2004).

59 Peter Lombard, *Sententiae*, I, xix, 9 n. 3: 'Unde Ioannes Damascenus, inter Graecorum doctores magnus, in libro quem de Trinitate scripsit, quem et Papa Eugenius transferri fecit' (Spicilegium Bonaventurianum 4/1, 2 [Grottaferrata, 1971], 167 ll. 21–3; cf. Prolegomena, *ibid.*, 4/1, 1, 121ⁿ); John Damascene, *De Fide Orthodoxa*, ed. Buytaert, ix–xiv; Colish, *Peter Lombard*, i, 22.

in the medieval West.⁶⁰ Remarkable as Eugenius's role in this reception process is, questions remain about the reasons for the increased awareness of and interest in Greek theology in the papal Curia around the middle of the twelfth century. Seen in a broader context, one explanation might be the increased diplomatic contacts between East and West, the Second Crusade and Byzantium's endeavours to re-establish its rule in southern Italy with the resulting powerplay between the empire, the Norman kingdom of Sicily, and the papacy.⁶¹ But in addition the above-mentioned revival of scholarly activities and the emergence of scholasticism made theologians search for new texts and new arguments – and they found a rich harvest in the Greek patristic texts which so far had not been available in translation.

Intellectuals with an agenda

An eminently political and at the same time doctrinal affair was the confrontation with Arnold of Brescia.⁶² The problem was inherited from Eugenius's predecessors and would continue to preoccupy his successors. It was all the more difficult because Eugenius's basic approach – reform of the Curia and a return to the apostolic ideals of the early Church – was not so different from Arnold's ideas. The constraints of the office and the tangled web of power play, however, prevented Eugenius from acting as radically as Arnold would have wished. Arnold was a canon regular, an educated man with a charismatic personality who insisted on absolute poverty and abstinence from secular influence for the clergy. This ideal, combined with the communal climate of unrest in his native city, Brescia, proved to be an explosive mixture, and on the instigation of his bishop he was forced into exile by Pope Innocent II. He went to Paris where he became a student and follower of Peter Abelard. This brought him to the notice of Bernard of Clairvaux, who described Abelard as Goliath and Arnold as his

60 In the thirteenth century Burgundio's translation was revised by Robert Grosseteste, see R.W. Southern, *Robert Grosseteste: the growth of an English mind in medieval Europe* (Oxford, 1986), 199–200; J. McEvoy, *Robert Grosseteste* (Oxford, 2000), 117–18.

61 P. Magdalino, 'The Byzantine Empire, 1118–1204', in *The New Cambridge Medieval History*, iv/2, ed. D. Luscombe and J. Riley-Smith (Cambridge, 2004), 611–43, at 619–21.

62 A. Frugoni, *Arnaldo da Brescia nelle fonti del secolo XII*, Istituto storico italiano per il medio evo, Studi storici, 8/9 (Rome, 1954; repr. Turin, 1989); R. Schmitz-Esser, *Arnold von Brescia im Spiegel von acht Jahrhunderten Rezeption. Ein Beispiel für Europas Umgang mit der mittelalterlichen Geschichte vom Humanismus bis heute*, LIT Geschichte, 74 (Vienna / Berlin, 2007); Horn, *Studien*, 175–83.

shield bearer⁶³ and finally convinced King Louis VII of France to expel him from his kingdom.⁶⁴ Arnold went to Zurich in the diocese of Constance, but Bernard wrote to the bishop and asked him to take measures against him. The bishop resisted Bernard's suggestion to imprison Arnold but made him leave.⁶⁵ He is next found in the entourage of Cardinal Deacon Guido, who in 1143–4 was papal legate to Bohemia and Moravia. Bernard sent a letter warning him of Arnold,⁶⁶ but the cardinal was not impressed; in fact it was probably Guido who mediated Arnold's reconciliation with the Church, which took place when Eugenius and Arnold met at Viterbo in 1145 or 1146. However, in retrospect, the terms of this reconciliation might have been unwise,⁶⁷ because Arnold was sent on a penitential pilgrimage to Rome, where he made contact with the thriving communal movement and, after a brief period of peace, became one of the leading figures in the fight against the papal rule of the city, attacking not only the cardinals but also the pope.⁶⁸ Eugenius left the city in 1146 for an extended visit to France and did not come back for more than three years. Immediately after his return to Italy in July 1148 he issued a letter to the Roman clergy against Arnold,⁶⁹ whose radical ideas in combination with the Roman endeavours to gain greater independence from papal rule over the city had caused the pope to accept offers of support from the Sicilian king, Roger II, but the resulting

63 Bernard, 'Epistolae', 12–16 no. 189, at 14 ll. 1–2 (to Pope Innocent II): 'Procedit Goliath procero corpore, nobili illo suo bellico apparatu circummunitus, antecedente quoque ipsum armigero eius Arnaldo de Brixia.'

64 *JS HistPont*, 64 c.31: 'Optinuit ergo abbas [Clarevallensis], ut eum Christianissimus rex eiceret de regno Francorum.'

65 Bernard, 'Epistolae', 49–51 no. 195.

66 Bernard, 'Epistolae', 51–2 no. 196; for Guido (whose deaconry in Rome is not known) see Zenker, 188–90.

67 cf. *Carmen de gestis Frederici I imperatoris in Lombardia*, ed. I. Schmale-Ott, *MGH SRG* [62] (Hanover, 1965), 28 vv. 811–13: 'Hunc voluit, sed non valuit, convertere summus | Pastor apostolicus dictis monuitque benignis | Sepius errorem vel dogma relinquere pravum.'

68 *JS HistPont*, 65 c.31: 'Ipsam papam non esse quod profitetur, apostolicum uirum et animarum pastorem, sed uirum sanguinum qui incendiis et homicidiis prestat auctoritatem, tortorem ecclesiarum, innocentie concussorem, qui nichil aliud facit in mundo quam carnem pascere et suos replere loculos et exhaurire alienos. Dicebat quod sic apostolicus est, ut non apostolorum doctrinam imitetur et uitam, et ideo ei obedientiam aut reuerentiam non deberi'; *Carmen de gestis Frederici I imperatoris in Lombardia*, ed. Schmale-Ott, 26 vv. 771–2: 'summi quoque presulis acta | Mordebat graviter'; 28 vv. 814–15: 'Ille [Arnaldus] tamen verbis numquam cessavit amaris | Sugillare patrem [Eugenium], nec pravum dogma reliquit.' Cf. the rather strange letter to King Frederick I by a Roman follower of Arnold, extant in the letter collection of Wibald of Stavelot: *Das Briefbuch Abt Wibalds von Stablo und Corvey*, ed. M. Hartmann, *MGH Briefe der deutschen Kaiserzeit*, 9 (Hanover, 2012), 803–9 no. 383.

69 *JL* 9281; *Italia pontificia*, i, 13 no. 23; *PL*, clxxx, 1358 no. 311.

military assault on Rome failed. The Romans, in turn, tried to gain support from King Conrad III, emphasizing that a papal-Norman alliance would not be in the Empire's interest and that the German king should come to Rome to receive the imperial crown and become the natural lord of the City.⁷⁰ It took another year before a compromise with the City was reached. The Romans, however, refused to hand over the now excommunicated Arnold, to whom they were bound by an oath.⁷¹ Although Eugenius finally tried to muster the support of the newly elected German king, Frederick,⁷² the conflict was only settled during the pontificate of his second successor Adrian IV, when Frederick, soon after his imperial coronation, procured Arnold's execution.

Another author who shared with Eugenius a fervent zeal for ecclesiastical reform was the Bavarian regular canon Gerhoch of Reichersberg.⁷³ He was also an ardent defender of what he perceived as orthodox theology and always keen on being close to the papacy. In his early career he had clashed with his ecclesiastical superiors for his radical opinions concerning the capacity of sinful priests to celebrate the Eucharist, but – in contrast to Arnold of Brescia – he was ultimately willing to agree a compromise, albeit only when unavoidably necessary. He had visited Rome and the Curia several times and tried to maintain close contacts with cardinals and popes by sending letters and dedicating treatises to them. Cardinal Deacon Guido, in whose company Arnold of Brescia was found, was one of Gerhoch's acquaintances: he accompanied him on his legation to Bohemia and it is possible that on this occasion he met Arnold. The two men had much in common: both were regular canons, both fought for the reform of the clergy in general and the Roman Curia in particular, and they shared some theological ideas.⁷⁴ But Gerhoch was also a great admirer of Pope Eugenius, who, according to him, had suggested the reform of the financial

70 Senate and people of Rome, letter to King Conrad III: *Das Briefbuch Abt Wibalds von Stablo und Corvey*, ed. Hartmann, 414–18 no. 197. The text is also included in *Gesta Frederici*, 182 (i.30).

71 *JS HistPont*, 62–3 (c.31): 'Sed pacem tum multa prepediebant, tum maxime quod eicere nolebant Ernardum Brixiensem, qui honoris urbis et reipublice Romanorum se dicebatur obligasse prestito iuramento, et ei populus Romanus uicissim auxilium et consilium contra omnes homines et nominatim contra papam repromisit; eum namque excommunicauerat ecclesia Romana et tamquam hereticum preceperat euitari.'

72 Letter to Wibald (20 September 1152): *Das Briefbuch Abt Wibalds von Stablo und Corvey*, ed. Hartmann, 800–3 no. 382.

73 The authoritative biography is P. Classen, *Gerhoch von Reichersberg* (Wiesbaden, 1960). See also Horn, *Studien*, 224–5.

74 See Classen, *Gerhoch*, 106, for a comparison between the two men.

dealings of the Curia when he was still abbot of Tre Fontane,⁷⁵ and as a pope demonstrated a dedication to reform in the decrees of the Council of Reims (1148). Gerhoch saw him as a champion of church reform and an ally of his own agenda. A first meeting took place in early summer 1146 when, on account of the unrest in the city Eugenius had to leave Rome and was staying at Sutri and then at Viterbo. Gerhoch not only obtained a solemn papal privilege for Reichersberg,⁷⁶ but – as he told Pope Alexander III many years later – during the visit to Viterbo he also enjoyed a private conversation with Eugenius.⁷⁷ He also presented the pope with some of his own treatises. Unfortunately Eugenius does not mention the titles or subject matter in his letter of thanks,⁷⁸ but – not surprisingly given Gerhoch's preoccupations – they must have been concerned with new errors and suspected threats against the Church, since the pope expressed his joy about Gerhoch's zeal against these movements, asked him to persist in his laudable endeavours, and assured him of his paternal love.⁷⁹ Gerhoch was extremely proud of this letter and included its text in several of his writings.⁸⁰ It is not known whether his disputation with a follower of Arnold of Brescia took place during this visit or on a later occasion. The pope asked Gerhoch to give a written account of the event and to leave it in the papal archive, but unfortunately the text seems to be lost.⁸¹ One of the topics under discussion

75 Gerhoch mentioned this in a letter he wrote to Bernard of Clairvaux in 1147, urging the abbot to remind the pope of this proposal. The letter was edited by G. Hüffer, 'Handschriftliche Studien zum Leben des hl. Bernhard von Clairvaux III', in *Historisches Jahrbuch*, 6 (1885), 232–70, at 268–70. See Classen, *Gerhoch*, 343 and 350.

76 Sutri, 4 Mai 1146; JL 8914; *Germania pontificia*, i, 194–5 no. 16; Classen, *Gerhoch*, 345.

77 Gerhoch of Reichersberg, 'Epistolae', *PL*, cxciii, 564–70 no. 17, at 568–9; see Classen, *Gerhoch*, 129.

78 Sutri, 16 Mai 1146; JL 8922; Gerhoch of Reichersberg, 'Commentarius aureus in psalmos', *PL*, cxciii, 1378; *Germania pontificia*, i, 195–6 no. 17. There is some discussion about which writings Gerhoch gave to the pope, see Classen, *Gerhoch*, 129–30.

79 Printed in Gerhoch di Reichersberg, *Tractatus in Psalmum LXIV: exegesi ed ecclesiologia nel secolo XII*, ed. P. Licciardello, *Per Verba: testi mediolatini con traduzione*, 14 (Tavarnuzze, 2001), 274: 'quia nos personam tuam tanquam litteratum et religiosum virum paterna karitate diligimus et in quibus secundum Deum possumus, honorare et manu tenere volumus.'

80 See the list in Classen, *Gerhoch*, 346.

81 Gerhoch mentions the disputation in his treatise *De novitatibus huius temporis* xxxiii.2: Gerhoch of Reichersberg, *Letter to Pope Hadrian about the Novelties of the Day*, ed. N.M. Häring, *Studies and Texts*, 24 (Toronto, 1974), 95 ll. 91–5: 'Memini me, cum fuisset in urbe, contra quendam Arnoldinum valenter literatum in palatio disputasse. Et ipsa disputatio, monente papa Eugenio, reducta in scriptum pluribus auctoritatibus aggregatis posita est in scrinio ipsius ubi, cum adhuc possit inueniri, non opus est iam scripta iterum scribi.' Classen, *Gerhoch*, 418–19.

was the Donation of Constantine, which Gerhoch's opponent attacked as a forgery, while he himself asserted its authenticity.⁸²

Gerhoch met Eugenius at least one more time. In 1151–52 he accompanied the papal legate Octavian of Ostia on his journey in Germany and then returned with him to Rome. At the pope's request he successfully defended the legate in the papal consistory against accusations that the cardinal had executed his office with excessive severity.⁸³ Ultimately Eugenius seems to have regarded Gerhoch as fit for greater tasks, because he charged him with a legation to Hungary and Ruthenia. In this assignment, however, the canon regular failed because of the opposition of the Hungarian king.⁸⁴ On the occasion of this second meeting the pope also received another of Gerhoch's treatises. The commentary on the sixty-fourth Psalm is an urgent plea for ecclesiastical reform, and the author expected the pope, whom he thought uniquely qualified for this cause, to realize his ideas.⁸⁵ Eugenius's death in July 1153 was a heavy blow for Gerhoch, particularly as the successor Anastasius IV was less favourable to his ideas.⁸⁶ It has already been said that Gerhoch was an ardent defender of what he perceived as the orthodox teachings of the Church. The fiercest of the conflicts into which his convictions led him – with Peter of Vienna and Folmar of Triefenstein – took place after Eugenius's death. Both conflicts are, however, deeply

82 Gerhoch, *Tractatus in Psalmum LXIV*, c. 15, ed. Licciardello, 26. The authenticity of the Donation of Constantine was also a topic in the letter of a follower of Arnold of Brescia to King Frederick I, mentioned above n. 68.

83 Gerhoch of Reichersberg, 'Commentarius in psalmos VII: in Ps 65', *PL*, cxciii, 139–142; an excerpt of the whole treatise, including this text, was edited by E. Sackur in: *Gerhohi praepositi Reichersbergensis libelli selecti*, MGH Libelli de lite, 3 (Hanover, 1897), 494–6.

84 Classen, *Gerhoch*, 137–40. The purpose of the legation, about which is very little known, was probably the improvement of the ecclesiastical administration and discipline in the respective regions. The exact meaning of 'Ruthenia' is not clear: it could mean Kiev or Halych.

85 Classen, *Gerhoch*, 141–9, 419; *Tractatus in Psalmum LXIV*, ed. Licciardello, xxx–xxxvii (with an extensive summary of the treatise). Gerhoch later revised the text and dedicated it to Cardinal Henry of SS. Nereo ed Achilleo.

86 See Gerhoch's account in the prologue to his commentary on Ps 65 (ed. Sackur, 498 ll. 22–33): 'Sic dilato, et ablato legationis ministerio [the legation to Hungary] in personam nostram per Eugenium papam destinato ille beata morte obiit, suique fervoris ac bonae voluntatis apud nos, immo et in tota sancta aecclesia dulcem reliquit memoriam dolentibus multis, quod post illum in sede apostolica non est inventus similis illi, qui conservaret legem excelsi, sicut epistolae ac gesta contestantur succedentis ei papae Anastasii senis infirmi, de quibus non est modo dicendum per singula, cum nullus hominum iudicare debeat de Petri successoribus ... Hoc tamen dicimus pro persona parvitatibus nostrae, quod papa Eugenio velut altero Helya sursum raptum, quia non vidimus ei substitutum quasi alterum Heliseum, consternati sumus in tantum, ut poneremus ori nostro silentium'. A case of explicit disagreement with a decision of Anastasius IV is mentioned in Gerhoch's letter to Pope Alexander III, quoted above, n. 77.

rooted in the emerging scholastic culture of the twelfth century; the more so because Peter of Vienna was a pupil of one of the most famous and most controversial contemporary masters, Gilbert of Poitiers.⁸⁷

Intellectual confrontation

The controversy around Gilbert culminated in 1148 in a trial in the papal Curia, and again, as in the case of Peter Abelard, Bernard of Clairvaux played a key role. As Gilbert's theology and the story of the trial have been dealt with in great detail several times,⁸⁸ it is not necessary to repeat it here. In the context of this paper the affair is interesting because it allows for glimpses into the inner workings of the Curia. Although the issue was purely theological, it nevertheless laid bare a struggle for influence and power between the cardinals and the pope, in which the latter's mentor Bernard of Clairvaux had his part.

Gilbert was born around 1080 in Poitiers. He studied with Bernard of Chartres and Anselm and Ralph of Laon before he took up teaching at Poitiers, Chartres, and Paris. Among his writings are commentaries on the Psalms and the Pauline epistles and, most importantly, on the theological treatises of Boethius. In 1142 he was elected bishop of Poitiers. With a

87 Gerhoch clearly noted this in *De novitatibus huius temporis*, xlii.2, Gerhoch of Reichersberg, *Letter to Pope Hadrian about the Novelties of the Day*, ed. N.M. Häring, 106: 'Vt nouerint illum sapientiores qui nichil se scire fatebatur nisi Christum Iesum et hunc crucifixum quam coaceruatos illos magistros de quorum doctrina non fulget ecclesia sed fumant scole plures in Francia et aliis terris, permaxime a duabus caudis ticionum fumigantium: uidelicet Petri Abaiolardi et episcopi Gilliberti. Quorum discipuli eorum dictis et scriptis inbuti hominem Verbo dei unitum negant esse filium dei deum dicendum nisi accidentali, ut aiunt, connexione.'

88 For instance: N.M. Häring, 'The Case of Gilbert de la Porrée Bishop of Poitiers (1142–1154)', *Mediaeval Studies*, 13 (1951), 1–40; S. Gammersbach, *Gilbert von Poitiers und seine Prozesse im Urteil der Zeitgenossen*, Neue Münstersche Beiträge zur Geschichtsforschung, 5 (Cologne/Graz, 1959); J. Miethke, 'Theologenprozesse in der ersten Phase ihrer institutionellen Ausbildung: die Verfahren gegen Peter Abaelard und Gilbert von Poitiers', in idem, *Studieren an mittelalterlichen Universitäten. Chancen und Risiken: Gesammelte Aufsätze*, Education and Society in the Middle Ages and the Renaissance, 19 (Leiden/Boston, 2004), 275–311 [first in *Viator*, 6 (1975), 87–116]; J. Marenbon, 'Gilbert of Poitiers', in *A History of Twelfth-Century Western Philosophy*, ed. P. Dronke (Cambridge, 1988), 328–52; Clare Monagle, 'The Trial of Ideas: two tellings of the trial of Gilbert of Poitiers', *Viator*, 35 (2004), 113–29; and see P. Montaubin, 'Eugenius III and France: the protected protector', Ch. 7 below. The article by K. Bollerman and C.J. Nederman, 'Standing in Abelard's Shadow: Gilbert of Poitiers, the 1148 Council of Rheims, and the Politics of Ideas', in *Religion, Power, and Resistance from the Eleventh to the Sixteenth Centuries. Playing the Heresy Card*, eds K. Bollerman, T.M. Izbicki, and C.J. Nederman (New York / Basingstoke, 2014), 13–36 came too late to my attention to be taken into consideration.

sermon about the Trinity preached in 1146 during a synod he provoked the contradiction of two of his archdeacons, Kalo and Arnold (with the rather telling nickname '*qui non ridet*'), and thus instigated one of the major doctrinal conflicts of the twelfth century.⁸⁹ The two clerics took the dispute to the papal court, but as the pope was on his journey to France the case was adjourned: because of the great number of scholars living in France it was thought to be more convenient to deal with the matter there.⁹⁰ But Arnold and Kalo did something else as well: they informed Bernard of Clairvaux, who was then at the height of his influence in the Church⁹¹ and known for his great zeal in matters of faith, a certain intellectual simplicity, and a very critical stance towards the scholastic approach to theological problems.⁹² And indeed, Bernard did not hesitate to make the cause his own.⁹³ Otto of Freising interrupted his account of Gilbert's affair with a description of the campaign against Abelard and the role Bernard had played in it, and then concludes that by involving the abbot, the archdeacons were trying to achieve Gilbert's condemnation by the same method that had worked so well against Abelard.⁹⁴ Quite ironically Geoffrey of Auxerre, one of Gilbert's fiercest opponents, refers to a rumour that during the Council

89 The main sources are Otto of Freising's *Gesta Frederici imperatoris* (Otto gives a very detailed account of the affair, which nevertheless is second-hand, as he himself was not present but on crusade. He probably was a student of Gilbert – see, most recently, J. Ehlers, *Otto von Freising. Ein Intellektueller im Mittelalter* (Munich, 2013), John of Salisbury's *Historia pontificalis* (John witnessed the proceedings at Reims – cf. *JS HistPont*, 17 c.8: 'Quod uidi loquor et scribo, sciens mihi apud Deum et homines conscientie et fame dispendium imminere, si falsitatis presertim de re tanta fuerit in ore et opere meo' – and, like Otto of Freising, was an admirer of Gilbert) and three texts written by Bernard of Clairvaux's secretary Geoffrey of Auxerre (Geoffrey was present but the texts were in part compiled a long time after the events and are obsessively anti-Gilbert).

90 *Gesta Frederici*, 68, i. 48: 'Quibus Romanus antistes auditis causaque viae cognita breviter respondit se Gallias introire ibique de hoc verbo, eo quod propter litteratorum virorum copiam ibidem manentium oportuniorem examinandi facultatem haberet, plenius velle cognoscere.'

91 Cf. *JS HistPont*, 16 c.8: John speculates about the motifs of Gilbert's opponents – zeal for orthodoxy, envy, or whether they wanted to please Bernard, 'cuius tunc summa erat auctoritas, cuius consilio tam sacerdotium quam regnum pre ceteris agebatur.'

92 *Gesta Frederici*, 68, i.49: 'Erat enim predictus abbas tam ex Christianae religionis fervore zelotypus quam ex habituali mansuetudine quodammodo credulus, ut et magistros, qui humanis rationibus saeculari sapientia confisi nimium inherebant, abhorret et, si quidquam ei Christianae fidei absonum de talibus diceretur, facile aurem preberet.'

93 *Ibid.*, i.48: 'Archidiacones in Gallias redeunt ac consulto Bernhardo supra memorato abbate eum in commodum causae suae adversus episcopum inclinant.'

94 *Ibid.* 74, i.52: 'Igitur ... pretaxati archidiacones, ascito sibi tantae auctoritatis et estimationis viro, abbate Bernhardo, episcopum Gilebertum eadem, qua predictum Petrum, via dampnare adtemptabant.'

of Sens Abelard had warned Gilbert with a proverbial saying taken from Horace: 'It is your concern when your neighbour's wall is on fire.'⁹⁵

It seems that Gilbert's adversaries were rather confident in their success because they did not take great pains in preparing the case. Therefore when the parties met for the first time at Paris in April 1147 the process had to be adjourned again, as it was impossible to find a complete copy of Gilbert's commentary to Boethius's *Opuscula sacra*.⁹⁶ The next session took place at the end of March 1148 after the Council of Reims. The setting was the consistory – the regular meeting of the pope and the cardinals for discussions and decision-making in political and juridical matters, therefore the very heart of papal government.⁹⁷ Among the participants were – apart from Eugenius, eighteen cardinals and Gilbert – Bernard of Clairvaux and some archbishops, bishops, abbots, and scholars, whom the pope had retained at Reims.⁹⁸ While Gilbert's opponents presented a *cedula*, a short list with errors, the bishop defended his doctrines with extensive readings from patristic texts in order to prove their orthodoxy,⁹⁹ a procedure which dragged on for such a long time that the pope finally '*tamquam tedio affectus*'¹⁰⁰ interrupted it. The atmosphere seems to have been quite aggressive and

95 Geoffrey of Auxerre, *Vita s. Bernardi*, PL, clxxxv, 302–22, at 312, c.5: 'Timebat enim quod apud Senonas Petrum ei dixisse ferunt: Nam tua res agitur, paries cum proximus ardet.' (Horace, *Epistulae*, i.18.84).

96 Geoffrey of Auxerre, *Libellus contra capitula Gisleberti episcopi Pictauiensis*, i. 7–8, ed. in N.M. Häring, 'The Writings against Gilbert of Poitiers by Geoffrey of Auxerre', *Analecta Cisterciensia*, 22 (1966), 3–83, at 37: 'Postulatus [Gilbertus] hunc librum ad manum se habere negabat. Nec facile erat presertim ob discussionem illum a discipulis obtinere. Prolate sunt tamen particule quedam. Sed, ut poterat, etiam manifesta capitula detorquebat: non paruis in hoc maxime patrocinii utens. Demum iussus est Summo Pontifici integrum mittere corpus libri.' The account written by Bernard's secretary Geoffrey of Auxerre a long time after the proceedings is a highly partisan text.

97 See S. Noethlichs, 'Das päpstliche Konsistorium im Spiegel der Quellen des 11. bis 13. Jahrhunderts', *Zeitschrift für Rechtsgeschichte, kanonistische Abteilung*, 94 (2008), 272–87 (with a summary of previous research).

98 For the cardinals see R. Hiestand, 'Das kardinalizische Gefolge der Päpste bei ihren Frankreichaufenthalten von Urban II. – Alexander III.', in *Von Outremer bis Flandern. Miscellanea zur Gallia Pontificia und zur Diplomatie*, ed. K. Herbers and W. Königshaus, Abhandlungen der Akademie der Wissenschaften zu Göttingen, N.F., 26 (Berlin/Boston, 2013), 191–267, at 240–1. Among the archbishops were Theobald of Canterbury and Henry Murdac of York, recently consecrated by Pope Eugenius. The scholars included Peter Lombard and Robert of Melun.

99 *Gesta Frederici*, 82, (i.58): 'Ille [Gilbertus] orthodoxorum patrum, quas non in scedulis decimas, sed in corpore librorum integras attulerat, legi faciens auctoritates, eandem se quam illi fidem tenere asserebat.'

100 *Ibid.*, 82.

the discussion burdened with a strongly polemical tone,¹⁰¹ probably in part the result of both Gilbert and Bernard having mustered their supporters. The bishop had many friends among the cardinals, united not only by allegiance to Gilbert but probably even more by hostility against Bernard of Clairvaux.¹⁰² The reports of Otto of Freising and John of Salisbury about these events frequently mention interventions of the cardinals in Gilbert's favour, and Gilbert himself actively lobbied them.¹⁰³ Bernard, on the other side, not only used his close personal relationship to Eugenius,¹⁰⁴ but, as his opponents had suspected he would, he did indeed try to apply the same tactics as in Abelard's case, and rallied his supporters in a private meeting.¹⁰⁵

101 See, for instance, an incident described by Otto of Freising, *ibid.*, 84 ll. 24–8, and – from a slightly different point of view, by Geoffrey of Auxerre in his letter to Cardinal Albinus: Geoffrey of Auxerre, 'Epistola ad Albinum', iv.21, in Häring, 'The Writings against Gilbert of Poitiers by Geoffrey of Auxerre', 73–4.

102 *JS Hist Pont*, 20 c.9: 'Non fuit unus cardinalium, quod meminerim, preter Albericum sancte recordationis episcopum Hostiensem qui non animo et opera et diligentia aduersaretur abbati'. Alberic, a monk of Cluny, had attended the meeting at Paris but died before the pope's arrival at Reims. See R. Manselli, 'Alberico cardinale vescovo d'Ostia e la sua attività di legato pontificio', *Archivio della Società romana di Storia patria*, 78 (1955), 23–68. Gilbert's friends in the Curia are also mentioned by Gerhoch of Reichersberg, *De novitatibus*, xlvi.3, Gerhoch of Reichersberg, *Letter to Pope Hadrian about the Novelties of the Day*, ed. N.M. Häring, 117–18: 'Item contra doctrinas uarias et peregrinas Petri Baiolardi auxilium meum a domino in sede apostolica, quamquam ille discipulos in scola sua eruditos et doctrine sue consentaneos habuisset tunc in ecclesia Romana sicut et nunc in ea sunt qui ab episcopo Gilliberto instructi fortasse nollent aliquid contra illum dici. Sed tamen, ut spero, etiam contra ipsum fauebunt ueritati.'

103 *JS Hist Pont*, 22–3 cc.10–11: 'Episcopus uero fretus auxilio et consilio cardinalium conflictum adiit confidenter'; 'Clamauerunt cardinales et alii hoc pro episcopo contra accusationem libri debere sufficere'; 'Cardinales et alii probauerunt responsum eius, clamantes undique nichil ulterius exigendum.' *Gesta Frederici*, 83 c.58: 'Episcopus totum quod superfuit illius diei spacium cum nocte sequente amicos suos ex cardinalibus, quos habuit non paucos, circuit.'

104 *JS Hist Pont*, 20 c.9: 'Sed nec illum [Bernard] latere poterat cardinalium motus, qui preueniens alios, accessit ad dominum papam familiariter, exhortans eum ut zelum et animum uirilem indueret in causa Domini, ne langor corporis Christi et fidei plaga deprehenderetur esse in capite. Exposuit quid crederet super articulis in questione propositis, et persuasit ut apostolicus eisdem passibus graderetur. Erat enim uir potens in opere et sermone coram Deo ut creditur, et ut publice notum est, coram hominibus.'

105 The accounts of John and Otto differ in details, for instance with respect to the timing of the meeting, but this is of minor significance here. See Miethke, 'Theologenprozesse', 298, 300–1. According to Geoffrey of Auxerre, Bernard's move was motivated by the cardinals' declaration that they were now to give judgment: 'Exinde postquam diutius disputatum est, sub eo tenore discessum est ut dicerent domini Cardinales quia "Ecce audiuius que proposita sunt. Deinceps iudicabimus qualiter debeant diffiniri". Quod uerbum eatenus mouit corda multorum ut sequenti die apud sanctum Bernardum conuenierent', Geoffrey of Auxerre, 'Epistola ad Albinum', vi.34–5, in Häring, 'The Writings against Gilbert of Poitiers by Geoffrey of Auxerre', 75.

The participants, among them several archbishops and bishops, Abbot Suger of Saint-Denis and John of Salisbury, were first addressed by Bernard in a speech; then Gilbert's alleged errors were put forward and refuted in a creed, the single sentences of which were accepted by acclamation by all present. Then this text was submitted to the pope as the profession of faith of the '*ecclesia gallicana et anglicana*', obviously with the intention to force a decision against Gilbert. However, by doing this, Bernard inadvertently changed the character of the affair, which so far had been a dispute about abstract theological problems. It was now turned into a conflict of a much more general character: the question at issue was now about procedures of decision-making and the roles played in it by different groups, about the relationship between a local Church and the universal Church, represented by the Church of Rome, and even more, about the relationship between the pope and his closest collaborators. Bernard's move caused an outburst of indignation and outrage from the cardinals. According to Otto of Freising they directly confronted the pope in an outspoken speech of protest. They reminded Eugenius of the fact that he owed his election to the papal office and therefore his promotion by them from being a private individual to the Father of the Universal Church.¹⁰⁶ They are his most prominent friends and advisers, and all other friendships come second to theirs. It is his office to serve the common good and therefore he has to observe and foster the precedence of the Roman Curia.¹⁰⁷ When Bernard – the cardinals refer to him as 'your abbot' – and with him the French Church¹⁰⁸ put forward their creed, they committed an audacious and presumptuous deed against the prerogatives of the Apostolic See, which is the only instance to discuss matters of faith. Even worse, by doing so they committed an act of contempt, as the pope and the cardinals were present at Reims and Gilbert's case was already under discussion. The creed, drafted without any consultation with the cardinals, was therefore an attempt to prejudice the only competent body's decision.¹⁰⁹ Even the patriarchs of the Churches in the East, who are

106 *Gesta Frederici*, 85 (1.60): 'Scire debes, quod a nobis, per quos tamquam per cardines universalis aecclesiae volvitur axis, ad regimen totius aecclesiae promotus, a privato universalis aecclesiae pater effectus'.

107 *Ibid.*, 85–6: 'sed omnium utilitati consulere Romanaeque curiae culmen ex officii tui necessitudine curare et observare debere.' The use of the term 'Romana curia' is quite significant, because although it is certainly to be understood in the more general sense of 'Roman church', it gives an impression of the extent to which the spiritual entity and the tangible institution were identified.

108 *Ibid.*, 86: 'Sed quid fecit abbas tuus et cum eo Gallicana aecclesia?'

109 *Ibid.*: 'Sed ecce Galli isti, etiam faciem nostram contempnentes, super capitulis, quae his diebus nobis assidentibus agitata sunt, tamquam finitivae sententiae ultimam manum apponendo, nobis inconsultis, fidem suam scribere presumpserunt.'

much higher ranking than the French bishops, would not have dared to take a definitive decision in matters of faith without first consulting the apostolic see, to whom, according to the institutions of the ancient fathers, such matters are reserved. The cardinals therefore request the pope to stand up immediately against this outrageous novelty and not to hesitate to punish the contumacy of the French.¹¹⁰

Even if Otto of Freising had been present at Reims, the historicity of this speech would be highly questionable. Rather, it is an artful attempt to convey to the reader a sense of the tense and dramatic atmosphere during the proceedings.¹¹¹ Therefore, as the narrative builds on information available to Otto, it gives an impression of the points which were perceived by him as particularly significant. Among other things the following seem noteworthy: The cardinals act as a body – Otto speaks of the ‘sacer cardinalium senatus’ and they deliver their speech ‘tamquam unum corpus effecti’. This mirrors a development which began as early as the eleventh century and came to a first culmination around the middle of the twelfth century. The function of cardinal bishops, cardinal priests, and cardinal deacons changed from a primarily liturgical into a highly political one, as they became the exclusive electors of the pope and his most prominent advisers and collaborators in the general papal administration and in the papal courts of justice.¹¹² Like many social groups in the twelfth century they formed a college, united by shared duties and interests. Together with the pope they constituted the Roman Church. In his treatise *De consideratione* Bernard of Clairvaux warned Eugenius that he should choose the cardinals with the utmost diligence, because they are his closest collaborators and their conduct is crucial for the quality of papal government. Because he selects them, he is ultimately responsible for their success or failure. Given that his predecessors had chosen some of the cardinals, however, it was not always the current pope who chose the cardinals, but rather some of them who had elected him. Nevertheless no cardinal would have any authority,

110 Ibid.: ‘Volumus igitur, ut huic tam temerariae novitati celeriter assurgas ipsorumque contumaciam punire non differas.’

111 The insertion of speeches into historiographical writings was a common stylistic device already in ancient historiography. See T. Haye, *Oratio: Mittelalterliche Redekunst in lateinischer Sprache*, Mittellateinische Studien und Texte, 27 (Leiden/Boston/Cologne, 1999), 12–13; and, although about a single example (Emperor Otto III’s speech to the Romans in 1001), of a more general significance: K. Görich and H.-H. Kortüm, ‘Otto III., Thangmar und die Vita Bernwardi’, *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, 98 (1990), 1–57, at 6–11.

112 See the two volumes about the cardinalate mentioned above, n. 10; and N. Zacour, ‘The Cardinals’ View of the Papacy, 1150–1300’, in *The Religious Roles of the Papacy: ideals and realities 1150–1300*, ed. C. Ryan, Papers in Mediaeval Studies, 8 (Toronto, 1989), 413–38.

had Eugenius not granted it to him.¹¹³ This almost sounds like a distant echo of the cardinals' speech in Otto of Freising, reminding the pope that he owes his authority to the cardinals' election.¹¹⁴ Indeed, there is a certain implicit conflict between the cardinals' pretensions and the concept of papal fullness of power (*plenitudo potestatis*), an idea rooted in late antiquity but emerging into a key concept at about the same time. At the end of the twelfth century this conflict was decided in favour of the pope, when during Innocent III's pontificate the holder of the *plenitudo potestatis* became the pope alone rather than the *ecclesia romana* as a whole.¹¹⁵

Another interesting point is the juxtaposition of *ecclesia gallicana* with *ecclesia romana*. The cardinals' standing is linked to the primacy of the universal Church as embodied in the Church of Rome. They perceive this primacy as being questioned through the actions of Bernard and his allies, who are described as representing the French church. Interestingly, John of Salisbury alludes to rumours that Bernard had implicitly threatened his opponents with the possibility of a schism – but then immediately and categorically denies that at any time during the proceedings there was such a danger.¹¹⁶ This statement, however, sits oddly alongside Otto of Freising's emphatic expressions of thanks to divine providence, which not only prevented the Church from dissension between her head and most prominent members but also from slipping into schism.¹¹⁷ It seems that the

113 Bernard, 'De consideratione', 455–6 (iv.4), at 455, l. 22–4: 'Non de omnibus [cardinalibus] dico: nam sunt quos non elegisti, sed ipsi te. At potestatem non habent, nisi quam tu eis aut tribueris, aut permiseris.' Zacour, 'The Cardinals' View', 417.

114 See above, n. 106.

115 Zacour, 'The Cardinals' View', 437; A. Paravicini Bagliani, 'De fratrum nostrorum consilio. La plenitudo potestatis del papa ha bisogno di consigli?', in *Consilium. Teorie e pratiche del consigliare nella cultura medievale*, ed. C. Casagrande, C. Crisciani, and S. Vecchio, Micrologus' Library, 10 (Florence, 2004), 181–94.

116 JS *HistPont*, 20 c.9: Gilbert's supporters 'suspiciabantur enim aut se suspicari simulabant quod abbas in partem suam allicere, et post se trahere uellet Gallicanam et Anglicanam ecclesiam, contra quarum subscriptiones salubriter nihil diffinire posset apostolica sedes, in eo presertim loco et tempore constituta, nec magistrum Gislebertum posset sine seditione absolvere condemnantibus illis. [all the cardinals except for Alberic of Ostia supported Gilbert] ... et, quod falsum dictum puto, abbatem sancti Dionisii qui uices habebat regis in Francia, et uiros in ecclesia potentissimos dicebant ad hoc fuisse conuocatos, ut apostolica sedes metu scismatis cogeretur abbatem sequi.' The French King Louis VII was on crusade and his regent was abbot Suger of Saint-Denis.

117 *Gesta Frederici*, 86–7 (i.60): 'Benedictus per omina Deus, qui sic aecclesiae suae, sponsae suae preuidit, ne vel summa membra a capite suo dissiderent, vel tantus religiosarum et discretarum personarum numerus Gallicanae aecclesiae aliquod iudicii pondus a sede Romana reportans scismatis non parui occasio esset!'

affair had developed a dynamic of its own, and that in the end there was more at stake than abstract theological problems.

How then did Eugenius react to the cardinals' reproach? According to Otto of Freising, he mitigated their anger with bland words and requested an explanation from Bernard – who in the meantime may have realized himself, as he told the pope, that he had gone too far: that the meeting was only a reaction to Gilbert's intention to formulate a new creed; that he just wanted to explain his view of the issue to the bishops; and that at no time had they intended to make a definitive decision.¹¹⁸ The cardinals were satisfied with this explanation, but only on the condition that the creed that had been agreed in Bernard's meeting, but without the authority of the Roman Curia, was not to gain official status.¹¹⁹ Gilbert, on Eugenius's request, agreed to make minor amendments to his text. Then the consistory dissolved without official result and, more importantly, without a condemnation of the bishop of Poitiers.¹²⁰

In John of Salisbury's account the cardinals' role is much more discreet. No open confrontation is mentioned, but it is clear that the cardinals played an important part in the proceedings. The text of the four *capitula* drafted during Bernard's meeting was the basis for the corrections requested from Gilbert by the pope. The bishop obediently agreed to change his book accordingly and was thus absolved from all accusations.¹²¹ Interestingly,

118 Ibid.: 'Quos [cardinales] Romanus pontifex blando mitigans eloquio, abbate ad se vocato, de hoc facto qualitateve facti sollerter inquirat. Cui ille humiliter et cum reverentia respondit se vel dominos episcopos nil de prefatis capitulis diffinisse, sed quia ab episcopo Pictavino audierat, ut fides sua scriberetur, idcirco, quia solus nollet, illorum auctoritate ac testimonio simpliciter se quid sentiret exposuisse.'

119 Ibid.: 'Hocque tam humili quam modesto ipsius responso predicta cardinalium indignatio conquievit, ita tamen, ut prefatum scriptum, tamquam inconsulta curia prolatum, velut auctoritatis pondere carens, pro simbulo in aecclesia, quod in conciliis contra hereses congregatis fieri solet, non haberetur.'

120 Ibid., 87 (i.61): 'hoc tamen apposito, quod de tribus capitulis propter premissam tumultuationem nil diffiniri potuit. Nec mirum; in quarto enim non multum ab aliis discordabat episcopus GiliBERTUS ... De primo tantum Romanus pontifex diffinivit ... Episcopus vero premissam summi pontificis sententiam reverenter excipiens, archidiaconibus suis in gratiam receptis, cum ordinis integritate et honoris plenitudine ad propriam dyocesim remeavit.' The two archdeacons had started the whole affair, see above n. 93.

121 JS *HistPont*, 23–5 c.11: Gilbert publicly agrees to amend his book – 'Cardinales et alii probauerunt responsum eius, clamantes undique nichil ulterius exigendum. Ergo dominus papa quatuor capitula, prout in camera abbatis, unde supra tetigimus, prenotata fuerant, et sicut abbas ibidem ad memoriam reducebat, exposuit, precipiens ut episcopus ad formam eorum librum corrigeret, et de cetero sicut doceret. [follows the text of the capitula]. Hiis episcopo consentiente, precepit dominus papa ut hiis adversa, si in libro suo repperirentur, corrigeret, inhibens ne retineretur ab aliquo iam exscriptus, uel traderetur alicui exscribendus, antequam

John is quick to emphasize that these proceedings were by no means an official condemnation, because neither were the *capitula* added to the official minutes of the Council of Reims, nor were they included in the papal registers. Instead he found the text of the *capitula* in the writings of Geoffrey of Auxerre, which, according to John, were written in an excellent style, but tainted by a certain bitterness, which made them look like an invective.¹²² Indeed, Geoffrey, as a dedicated follower of Bernard, did his best to describe the events as another victory of his abbot over a particularly dangerous heretic.¹²³

For Bernard the Gilbert affair was a double failure. In the first place, he did not achieve his immediate goal, the official condemnation of the bishop of Poitiers. But the second issue was more serious. Although Bernard had intimate knowledge of the Curia and its inner workings, he had not realised the increased self-confidence of the cardinals and their critical attitude towards him. The cardinals observed the abbot's activities with growing indignation, a development which culminated in the Gilbert affair but was discernible in other issues, too.¹²⁴ By his actions Bernard had forced Eugenius into the difficult position of moderating a conflict between his former master and spiritual mentor and his immediate collaborators and advisers.

ad hanc formam corrigeretur. Sed et hiis episcopus annuens absolutus est ab aduersariorum impetitione et nota.'

122 Ibid., ed. 25: 'Vnde eadem capitula, licet ea audierim, utpote qui presens aderam, publicari, tamen nec inter acta concilii, nec in domini Eugenii regesto potui repperire, sed in scriptis memorati Gaufridi repperi, qui postea abbas Igniacensis contra eundem episcopum, sed iam defunctum, scripsit librum eleganti quidem stilo, recte gratus uniuersis, nisi uideretur inuehenti habere speciem, et ex quacunque causa conceptam amaritudinem continere.' Geoffrey of Auxerre was abbot of Igny from 1157 until 1162, when he was elected abbot of Clairvaux. Gilbert of Poitiers died in September 1154.

123 Cf. Geoffrey of Auxerre, *Vita s. Bernardi*, PL, clxxxv, 302–22, at 312, c.5: 'Ita demum apostolico iudicio et auctoritate universalis Ecclesiae error ille damnatur; episcopus Gillebertus an eidem damnationi consentiat, interrogatur. Consentiens, et publice refutans quae prius scriperat et affirmaverat, indulgentiam ipse consequitur, maxime quod ab initio cautus fuisset ea lege eamdem ingredi disceptationem, ut promitteret sine ulla sese obstinatione, pro Ecclesiae sanctae arbitrio, correcturum libere suam opinionem'; and cf. his extensive account of the proceedings in the letter to cardinal Albinus.

124 For instance, the cardinals were not pleased with Bernard's repeated and heavy-handed intervention in the case of the election of the archbishop of York (1142–47), an affair which had occupied all popes since Innocent II. See Horn, *Studien*, 199. In a letter to Eugenius (Bernard, 'Epistolae', 192–4 no. 280, at 194, ll. 9–12) Bernard draws a parallel between the conflicted episcopal election of Auxerre and the York affair: 'Ubi est etiam nunc spiritus ille, quem habuistis in negotio Eboracensi? Non sentiet illum, qui simile opus tentaverit? Ecce is, sicut accepimus, in spiritu illius venit, qui curiam aduersum vos concitavit; si licuerit, moliturus idipsum.'

A pope under remote control? The role of Bernard of Clairvaux

Bernard of Clairvaux was a towering – some might say ‘looming’ – figure during Eugenius’s pontificate.¹²⁵ As a charismatic and energetic personality he played a considerable part in the rapid success of the Cistercian Order and in the resolution of the papal schism between Popes Innocent II and Anacletus II. His dedication to ideas of ecclesiastical reform¹²⁶ played a crucial role in these developments; the election of the abbot of Trois-Fontaines to the papal throne seemed to be a further and essential step to the realization of these ideals. Undoubtedly around 1145 Bernard was one of the most influential and powerful men of his time.¹²⁷ On the other hand, as Eugenius’s former abbot and spiritual father the election of his pupil was deeply unsettling news – and Bernard expressed this feeling immediately after he had learned of the election.¹²⁸

The double role as public person – even politician – and as former superior and mentor of the now pope put Bernard and Eugenius into a somewhat awkward position. While the lack of direct evidence makes Eugenius’s perception of the situation difficult to distinguish, Bernard immediately recognized its dangers and opportunities, as the first letter to his former pupil already shows.¹²⁹ According to the abbot, the whole world was approaching him with their business, saying ‘that you are not the pope but me’¹³⁰ – but, so he continues, among these many people there are friends to whom to deny help would not only be scandalous but also sinful. Bernard’s text is nothing but a polite introduction to one of the many letters with which he approached the pope with an intervention in a political issue. Indeed, after Eugenius’s accession to the pontificate Bernard’s habitual way

125 On him see, for instance, P. Dinzelbacher, *Bernhard von Clairvaux: Leben und Werk des berühmten Zisterziensers* (Darmstadt, 1998; 2nd edn 2012); G.R. Evans, *Bernard of Clairvaux, Great Medieval Thinkers* (New York/Oxford, 2000).

126 ‘Reform’, notwithstanding its seemingly obvious sense, is a difficult term and a concept with multiple layers of meaning. Instead of going into detail, references to a few publications must suffice: G.B. Ladner, *The Idea of Reform: its impact on Christian thought and action in the age of the fathers* (Cambridge MA, 1959; repr. New York, 1967; repr. Eugene OR, 2004); idem, ‘Terms and Ideas of Renewal in the Twelfth Century’, in idem, *Images and Ideas in the Middle Ages: selected studies in history and art*, *Storia e letteratura*, 155–6 (Rome, 1983), ii, 687–726 (first in *Renaissance and Renewal*, 1–33); G. Constable, *The Reformation of the Twelfth Century* (Cambridge, 1996).

127 Cf. JS *HistPont*, 16 c.8: Bernard, ‘cuius tunc summa erat auctoritas, cuius consilio tam sacerdotium quam regnum pre ceteris agebatur’.

128 See above, n. 3.

129 Bernard, ‘Epistolae’, 115–19 no. 238.

130 Bernard, ‘Epistolae’, 120–2 no. 239, at 120, ll. 5–6: ‘Aiunt non uos esse papam, sed me, et undique ad me confluent qui habent negotia.’

of communicating with the Curia changed. Previously, he was accustomed to address his demands and interventions not only to the pope, but also to all or many of the cardinals. During Eugenius's pontificate, he corresponded almost uniquely with the pope.¹³¹

The resulting image was, not surprisingly, that of a remotely controlled pope. Even Cardinal Hyacinth, someone with inside knowledge, would many years later, when he had himself been elected pope as Celestine III, describe Eugenius in the early years of his pontificate as somebody who was steered by others rather than steering them.¹³² Gervase of Canterbury said in his chronicle that Eugenius's accession to the papal throne resulted in an immense boost for the Cistercian Order, because of Bernard of Clairvaux, who 'seemed to be the master and lord of the lord pope',¹³³ and a manuscript from the second quarter of the thirteenth century from the Cistercian abbey of Kaisheim shows a picture of Eugenius and Bernard in conversation, the pope being introduced as '*Hic presul summus sed Clarevallis alumnus. Aure patente bibit, que Bernhardus sibi scribit*'.¹³⁴ This impression, however, is wrong, at least for the later years of the pontificate. That Eugenius managed to emancipate himself from Bernard is clear from the dismay that Bernard expressed in a rather severe letter reprimanding the pope for having acted unjustly when he forbade the use of the pallium to Archbishop Samson of Reims in 1146.¹³⁵ Occasionally the Curia even distanced itself explicitly from

131 S. Teubner-Schoebel, *Bernhard von Clairvaux als Vermittler an der Kurie: Eine Auswertung seiner Briefsammlung*, Studien und Dokumente zur Gallia Pontificia, 3 (Bonn, 1993), 321. An exception is Cardinal Hugh of Ostia, who was monk at Clairvaux and abbot of Trois-Fontaines, before he became cardinal in 1150. Zenker, 21–2.

132 Celestine III, letter to the bishops of Tarragona, Osma, and Calahorra, 23 April 1194: 'pre-sertim cum [Eugenius] sententiam ipsam in nouitate sui pontificatus protulerit, quo siquidem tempore magis ipse trahabatur ab aliis quam alios trahere didicisset.' (*PU Spanien*, i, 551–4 no. 246, at 554). For the context see Horn, *Studien*, 170–4.

133 Gervase of Canterbury, *Chronicle ad a.* 1145, 'Papa Lucius obiit, cui successit Eugenius, ordinis Cisterciensis monachus. Quo sedente, ordo Cisterciensium in immensum exaltatus est. Claruit enim his diebus vir uenerandus et sanctus Bernardus Clarevallensis, qui tunc temporis domini papae dominus et magister uidebatur': *The Historical Works of Gervase of Canterbury*, ed. W. Stubbs, RS 73/1 (London, 1879), 129.

134 Munich, Bayerische Staatsbibliothek, Clm 7950, fol. 2v. See E. Klemm, *Die illuminierten Handschriften des 13. Jahrhunderts deutscher Herkunft in der Bayerischen Staatsbibliothek*, Katalog der illuminierten Handschriften der Bayerischen Staatsbibliothek in München, 4 (Wiesbaden, 1998), 148–50 no. 129 and pl. II. The picture is an author's portrait for Bernard's treatise *De consideratione*, which follows on fols 3r–23v. Kaisheim is situated in the Bavarian part of Swabia.

135 Bernard, 'Epistolae', 140–41 no. 247, and see Eugenius's letter to Samson, 26 March 1146, JL 8896, *PL*, clxxx, 1128–9 no. 101.

the abbot's undertakings. In 1150 Bernard began an attempt to reconcile King Roger of Sicily and the German king, Conrad III. The effort is known only from a letter written by Wibald of Stavelot to Cardinal Guido of S. Maria in Porticu. The cardinal's reply, although shrouded in diplomatic language, is quite explicit: Wibald should be assured that what 'certain religious persons' had suggested to King Conrad, was by no means done at the will of or with the knowledge of the pope.¹³⁶

The other, spiritual, side of Bernard's dilemma found its clearest expression in *De consideratione ad Eugenium papam*. This text is a complex and multi-faceted endeavour to support, protect, guide, and influence Eugenius. Although Bernard began the composition of the treatise in about 1147, its basic ideas are already recognizable in his first letter to the newly elected Eugenius.¹³⁷ The completion of the treatise took several years, and it thus mirrors some of the main events of the pontificate.¹³⁸ It covers a broad range of topics, but apart from pushing a curial reform agenda its primary concern is to help Eugenius with the almost impossible task of remaining a monk while holding the office of pope. Apart from advice on administrative matters, such as the importance of taking care in selecting collaborators, given the tendency of the Curia to attract morally weak characters, the pitfalls of subtle juridical arguments, and the importance of delegating tasks, Bernard reminds the pope that his office is in the first place a spiritual one. He is to lead the flock of Christ by word and example, not to sit in court, listen to the subtleties of the lawyers, and give judgment.¹³⁹ Above all, he always has to remember that as a pope he has to serve, not to rule.¹⁴⁰ In order not to

136 *Das Briefbuch Abt Wibalds*, 476–9 no. 223, at 478: 'Porro in capite XL^e [1 March 1150] dominus abbas Clarevallis misit domino regi litteras per episcopum Frisingensem [Otto of Freising], in quibus collaudabat dominum illum Sicilie, eo quod in multis utilis et necessarius fuisset catholice ecclesie, futurus utilior, si non prohiberetur virtute et potentia nostri principis. De quorum pace et concordia se libenter acturum promittebat, si sciret domino nostro non fore ingratum.' Guido's reply, *ibid.*, 539–41 no. 253, at 540: 'Illud vero, quod a domino C. serenissimo rege per quosdam religiosas personas perquisitum fuisse significastis, sciatis de voluntate domini pape vel conscientia nullatenus processisse'.

137 Bernard, 'Epistolae', 115–19 no. 238.

138 Bernard, 'De consideratione', 410–13 (ii.1: the catastrophe of the second crusade; 446–8 (iii.5: the decrees of the council of Reims 1148); 449–53 (iv.2: the famous chapter about the moral depravity of the Romans); 477–81 (v.6–7: the errors of Gilbert of Poitiers).

139 Cf. for instance Bernard, 'De consideratione', 401–2 (i.6), at 402, ll. 2–3: 'Stetisse denique lego Apostolos iudicandos, sedisse iudicantes non lego.' Apart from the contents, the text testifies to Bernard's excellent command of the Latin language.

140 For instance Bernard, 'De consideratione', 416–17 (ii.6), at 416, ll. 12–18: 'Factum superiorem dissimulare nequimus; sed enim ad quid, omnimodis attendendum. Non enim ad dominandum opinor. Nam et Propheta, cum similiter levaretur, audivit: "Ut evellas et destruas, et disperdas et

lose himself Eugenius must not cease his quest for the Truth, and an essential part of this quest is constant 'consideration' or meditation, which – in accordance with the monastic tradition – has to start with oneself: Eugenius is to consider what he is, who he is, and which moral virtues he should have.¹⁴¹ The quest then continues with what is below the pope, what is around him and finally what is above him.¹⁴² This fourfold perspective allows Bernard to bring together a number of points that would otherwise have appeared incoherent. In the last book the abbot proves himself as one of the most prominent intellectuals of the twelfth century, although his understanding of knowledge and truth is very different from that followed in the schools. It is a treatise of monastic theology, in part arguing against the vain scholastic curiosity which Bernard saw embodied in Gilbert of Poitiers' approach, but above all a text about knowledge of God and how to acquire it.¹⁴³

We do not know how Eugenius reacted to *De consideratione* – the prologue to the whole work asserts that the pope had requested its composition,¹⁴⁴ but at the beginning of the fourth book Bernard says that he does not know whether Eugenius liked what he had received so far.¹⁴⁵ It is impossible to say to what extent the pope tried to follow Bernard's advice. Eugenius died on 8 July 1153, six weeks before Bernard of Clairvaux (20 August 1153). Was Bernard in the end disappointed by Eugenius's achievements? Many of the ideals he had embodied remained unfulfilled. Eugenius might have been a good monk and he certainly was a man of personal integrity,¹⁴⁶ but as a pope his world was more complex. He had to manoeuvre between the different

dissipes, et aedifices et plantes" (Jer. 1: 10). Quid horum fastum sonat? Rusticani magis sudoris schemate quodam labor spiritualis expressus est. Et nos igitur, ut multum sentiamus de nobis, impositum senserimus ministerium, non dominium datum.'

141 Bernard, 'De consideratione', 415 (ii.4): 'Et haec tui consideratio in tria quaedam dividitur, si consideres quid, quis et qualis sis: quid in natura, quis in persona, qualis in moribus'.

142 Ibid., 414–15 (ii.3), at 414 ll. 10–13: 'Iam quod ad considerationis attinet fructum, quatuor, ut occurrunt, tibi consideranda reor: te, quae sub te, quae circa te, quae supra te sunt. A te tua consideratio inchoet, ne frustra extendaris in alia, te neglecto. Quid tibi prodest si universum mundum lucreris, te unum perdens?'

143 Ibid., 493 (v.14:32): 'Quaerendus adhuc fuerat, qui nec satis adhuc inventus est nec quaeri nimis potest; at orando forte quam disputando dignius quaeritur et invenitur facilius. Proinde is sit finis libri, sed non finis quaerendi.'

144 Ibid., 393–4 Praefatio, at 393, ll. 7–9: 'Sed intervenit tua dignatio, qua hoc ipsum non saltem praecipis, sed petis, cum praecipere magis te deceat.'

145 Ibid., 448–9 (iv.1), at 448, ll. 13–15: 'Si mihi plenius innotuisset, amantissime Eugeni, priora qualiter acceptaris, secundum hoc vel fidentius in reliquum processissem, vel cautius, aut certe substitissem omnino.'

146 Cf. Horn, *Studien*, 222–5.

political interests and, at least sometimes, he had to accept compromises in order to avoid discord and even schism. In a way it is tragic that the first Cistercian pope was also the last pope to belong to the great reform movement which had begun in the eleventh century. For the papacy the middle of the twelfth century is an institutional turning point: it was about that time that the administrative dimension began to prevail over the spiritual. Bernard of Clairvaux had warned Eugenius of this development, but – quite ironically – at the same time he had contributed to it. Bernard of Morlas, Hildegard of Bingen, Anselm of Havelberg, Gerhoch of Reichersberg and Arnald of Brescia all in their ways had hoped and worked for a continuation of ecclesiastical reform. But they, too belonged to a time which had gone.¹⁴⁷ Rationalism and legalism, the practical consequences of the intellectual developments of the twelfth century and the hallmarks of the new era, had advantages but also, as the years to come would show, brought new dangers.

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¹⁴⁷ Cf. Gerhoch of Reichersberg's treatise *De novitatibus huius temporis*, a passionate appeal to Eugenius's second successor Adrian IV to continue the reform of the Church as his predecessors, Innocent II and Eugenius III did. Gerhoch explicitly mentions Bernard's *De consideratione*, xli.9, for instance: Gerhoch of Reichersberg, *Letter to Pope Hadrian about the Novelties of the Day*, ed. N.M. Häring, 105–6: 'Verum de his plura loqui ad presens omittimus et tibi, pater Adriane, qui regimen tenes in domo Iacob talia multa his similia per te considerata relinquimus atque, ut id competentius possis, libellum De consideratione ab abbate Clareuallensi predecessori tuo, sancte recordationis Eugenio pape dictatum, sic legens considerare curato quasi optime congruentem sancto apostolatui tuo'; and see Classen, *Gerhoch*, 174.

3. The Cistercians, Eugenius III, and the Disputed York Election

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Abstract

The chapter deconstructs the existing narrative of the disputed election to the archbishopric of York in 1140. William Fitzherbert was so vehemently opposed by the abbots of Fountains and Rievaulx that they campaigned to cancel the election in favour of a reforming candidate. In Rome, they gained the support of Bernard of Clairvaux while Eugenius III's election also favoured the white monks. William Fitzherbert was deposed and Abbot Henry Murdac of Fountains was elected in his place. While the extensive historiography of this conflict focuses on the political context as well as on the specific regional Yorkshire setting, this contribution addresses Cistercian strategy and the connection of their agenda in York with the wider ideas of reform of Cistercian leaders.

Keywords: Cistercians; disputed episcopal elections; Fountains Abbey; historiography; papacy; Bernard of Clairvaux

The dispute over the election of the new archbishop of York after the resignation and death of Archbishop Thurstan in 1140 has come to be seen as one of the episodes exemplifying the power of the twelfth-century monastic reform movement and its influence on the far-flung corners of Latin Europe. The case was first analysed by David Knowles in the 1950s and 60s and then further by Derek Baker in the 1970s.¹ More recently Christopher Norton's

¹ D. Baker, 'Viri religiosi and the York Election Dispute', in *Councils and Assemblies*, ed. G.J. Cuming and D. Baker, Studies in Church History, 7 (Cambridge, 1971), 87–100; idem, 'San Bernardo e l'elezione di York', in *Studi su S. Bernardo di Chiaravalle*, Convegno Internazionale Firenze 1974 (Rome, 1975), 115–80; D. Knowles, 'The Case of St William of York', *Cambridge*

study of William Fitzherbert has reopened and extended the issues under debate.² These studies not only established the complex details of various stages of the conflicts, but also explained the reasons behind the different stands taken by those supporting and opposing William's election in 1141. While Knowles's conclusions rested largely on his assessment of the personal characters of the key players, Baker took issue with the idea that the dispute can be seen as 'part of a European struggle for freedom of election and for reform'.³ His study concentrated, however, on a re-examination of the details of the dispute within the immediate context of Yorkshire and English politics of King Stephen's reign. In his recent study of William of York, Norton once again posed the question of the reasons for the involvement of Cistercians in the conflict. He concentrated on the complex Yorkshire context of the affairs in far greater detail and in a more nuanced fashion than previous scholars. Yet, although the specific English background was undoubtedly a very important factor in the Cistercian involvement, the personal and local political background does not give a full answer, especially to the question of Eugenius's own involvement.

A number of relatively recent studies have re-examined the development of the Cistercians in the twelfth century. Martha Newman has examined connections between the Cistercians and wider aspects of the Church's reform, while Constance Berman's controversial study of Cistercian origins, *The Cistercian Evolution*, has attempted to re-cast the chronology and course of twelfth-century Cistercian history.⁴ In the light of these studies, specific episodes such as the disputed election at York can once again be fruitfully re-examined. This essay will summarize existing scholarship on the subject, re-assess the role of the international networks in which Cistercian monks were involved, and draw particular attention to the relationship between Eugenius III and Bernard of Clairvaux in the light of Bernardine ideas about leadership in the Church. In doing so, it will leave behind the discussion

Historical Journal, 5 (1935–7), 162–77, 212–14, repr. in D. Knowles, *The Historian and Character and Other Essays* (Cambridge, 1963), 76–97.

2 C. Norton, *St William of York* (Woodbridge, 2006).

3 Baker, 'Viri religiosi', 89, citing D. Nicholl, *Thurstan, Archbishop of York 114–40* (York, 1964), 240–1.

4 M. Newman, *The Boundaries of Charity: Cistercian culture and ecclesiastical reform, 1098–1180* (Stanford, 1996); C. Berman, *The Cistercian Evolution: the invention of a religious order in Twelfth-Century Europe* (Philadelphia, 2000). For robust discussions of Berman's thesis, see C. Waddell, 'The Myth of Cistercian Origins: C.H. Berman and the manuscript sources', *Cîteaux: Commentari Cistercienses*, 51 (2000), 299–386; M. Newman, review of Berman, *The Cistercian Evolution*, in *The Catholic Historical Review*, 87 (2001), 315–16; B.P. McGuire, 'Charity and Unanimity: the invention of the Cistercian order: A review article', *Cîteaux: Commentari Cistercienses*, 51 (2000), 285–97.

of the local context of the conflict and the personal motivations of the people involved, which have been covered extensively in previous literature, and focus rather on how the specific episode in Yorkshire fitted into the Cistercian-driven project of resolving 'the problems that they perceived in the society around them'.⁵ The pontificate of Eugenius III represents a particularly important step in the growth of the Cistercian movement, which, in the 1140s, not only gained in influence but also shaped its institutional structures, establishing and incorporating numerous affiliated communities. The York election dispute should be seen as part of this process.

The disputed election

Before discussing the events of the disputed election it is worth outlining the main figures and groups involved in the conflict. The previous archbishop of York, Thurstan (1114/19–1140), was a powerful patron of reformed monasticism, especially of Augustinian canons, and a crucial influence behind the foundations of several priories in Guisborough, Drax, Bolton, and Kirkham, all in Yorkshire, as well as Thurgarton in Nottinghamshire.⁶ During his term in office the first Cistercian abbey in Yorkshire was founded in 1132 by Walter Espec at Rievaulx. It was a direct foundation from Clairvaux and the first abbot, William, an Englishman, was one of the former secretaries of Bernard of Clairvaux.⁷ The emergence of the second Cistercian community in Yorkshire, Fountains Abbey, was also connected to Archbishop Thurstan's support for reform ideas. It came about as a break-away group from a traditional Benedictine community of St Mary's Abbey, York, some of whom became inspired by the new reform ideas brought to Yorkshire by the Cistercian monks. The conflict over the need for reform in the abbey led to the departure of a group of monks from York and the establishment of a new community at Fountains in 1133, supported materially by Archbishop Thurstan, and with the blessing of Bernard of Clairvaux, one that followed Cistercian custom.⁸ Since the archbishop of York was formally the patron

5 Newman, *The Boundaries of Charity*, 149.

6 Nicholl, *Thurstan*, 155–91.

7 E. Jamrozak, *Rievaulx Abbey and its Social Context, 1132–1300: memory, locality, and networks* (Turnhout, 2005), 30–2.

8 C. Norton, 'Richard of Fountains and the Letter of Thurstan: history and historiography of a monastic controversy, St Mary's Abbey, York, 1132', in *Perspectives for an Architecture of Solitude*, ed. T.N. Kinder (Turnhout, 2004), 9–10.

of Fountains, the community had a particularly vested interest in who was holding this position.

The Cistercians involved in the conflict were Abbots William and Ailred of Rievaulx, and Abbots Richard II and Henry Murdac of Fountains, as well as the geographically distant, but very powerful, Bernard of Clairvaux. Abbot William (1132–45), the founding head of Rievaulx Abbey, began his monastic life at Clairvaux. Ailred, the third abbot of Rievaulx (†1167), had a prominent career at the court of King David I of Scotland (1124–53) and after his conversion to monastic life, entered Rievaulx. His monastic career accelerated very fast through the office of novice master, becoming first abbot of Revesby in 1143 before his election as abbot of Rievaulx in 1147. The abbots of Fountains Richard II and Henry Murdac were second and third abbots of this house. Richard was a member of the original ‘break-away’ group from the Benedictine house in York where he had been sacrist. Elected in 1141, he held the abbacy until his death in 1143. His successor Henry Murdac (†1153) exemplified the kind of international career made possible by Cistercian networks. Originally from Yorkshire, he was well-educated, holding the title of *magister*; first a member of Archbishop Thurstan’s household and then a monk at Clairvaux, he became the founding abbot of Vauclair (dioc. of Laon) in 1134 until Bernard sent him back to Yorkshire where he was elected abbot of Fountains in the late 1143 or early 1144.⁹

In the conflict over the disputed election, the white monks were supported by the Augustinian priors of Kirkham (Waltheof) and Guisborough (Cuthbert). Of these two, Waltheof, a son of Simon of Senlis, earl of Northampton and Huntingdon and a stepson of King David I, was particularly important. Having grown up as part of the same circle as Ailred, Waltheof became a canon of Nostell c.1130 and then prior of Kirkham, which had been founded a decade earlier by Walter Espec, future founder of Rievaulx.¹⁰ Cuthbert had strong local connections. One of his brothers, Eustace, was the steward of Guisborough, while another, Ralph, succeeded Cuthbert in the office of prior.¹¹

The members of the reformed communities were not the only *virī religiosi* to take part in the dispute. The abbots of the Benedictine houses of York and Whitby, Severinus and Benedict, also played supporting roles for William

9 *The Heads of Religious Houses England and Wales 940–1216*, ed. D. Knowles, C.N.L. Brooke, V. London (Cambridge, 1972), 132, 140; J. Burton, ‘Murdac, Henry (†1153)’, *ODNB*, xxxix, 805–6.

10 D. Baker, ‘Legend and Reality: the case of Waldef of Melrose’, in *Church, Society and Politics*, ed. D. Baker, *Studies in Church History*, 12 (1975), 59–82.

11 *The Heads of Religious Houses*, 164; J. Burton, *The Monastic Order in Yorkshire 1069–1215* (Cambridge, 1999), 245.

Fitzherbert. Among the 'local' players were several secular ecclesiastics; the canons of York, William precentor of York, Walter of London, the archdeacon of York, and William of Sainte Barbe, the dean of York. Various English high ecclesiastical authorities were called upon as judges and arbiters by the pope, namely Henry of Blois (†1171), bishop of Winchester and papal legate, and Robert de Bethune, bishop of Hereford. Without a doubt, the change of popes, which occurred frequently during the case, caused further complications. The different stages of the dispute were played out at first during the pontificates of Innocent II (1130–43), Celestine II (1143–4), Lucius II (1144–5), and then Eugenius III (1145–53), the last, of course, of especial significance because of the latter's membership of the Cistercian congregation. Eugenius's role will be discussed in greater detail later.

Although there is no firm agreement about the details of the future archbishop's genealogy, William Fitzherbert has traditionally been identified as a cousin of King Stephen, an illegitimate grandson of Count Herbert II of Maine and son of Emma, an illegitimate daughter of the count of Blois. This genealogy has, however, been contested.¹² Norton characterized the father of the future archbishop as one of the typical 'new men' of King Henry I. From a relatively humble beginning as a minor Hampshire landowner, Herbert, as chamberlain of Winchester treasury and later treasurer under Henry I, amassed vast estates in Hampshire, Wiltshire, Berkshire, Yorkshire, and possibly Sussex as well. However, the status he enjoyed within the ecclesiastical hierarchy would not have been possible without the connection to the house of Blois.¹³ William Fitzherbert's ascent was closely connected to Archbishop Thomas II of York (†1114). Soon after his father acquired land in Yorkshire, which had been enfeoffed by the archbishop (between 1109 and 1112), William became the treasurer of York, an office which was in this period held together with the archdeaconry of the East Riding. His name was frequently listed in the *acta* of Thurstan, Thomas's successor as archbishop of York.¹⁴ After 1139 the position of William Fitzherbert was not entirely straightforward. With family connections to the Blois dynasty, but also as someone whose position rested on patronage towards his family by Henry I, he was – potentially, at least – in an ambivalent position vis-à-vis King Stephen.

In 1140, William Fitzherbert was neither the first nor the only candidate for the archbishopric. The first choice of the York electors was Waltheof,

12 J. Burton, 'William of York', *ODNB*, lix, 123–5, at 123.

13 Norton, *St William*, 6–9.

14 Burton, 'William of York'

prior of Kirkham. Baker suggested that Waltheof, lacking the qualities of leadership, might have been perceived by his relative, William of Aumâle, earl of York (†1179), as a suitable candidate because he would not pose a threat to secular power.¹⁵ Norton proposed that a reform-minded faction within the York chapter might also have supported Waltheof. Nevertheless, his election was squashed by King Stephen because of his close connection to Scotland and hence to his rival, Empress Matilda.¹⁶ After an unsuccessful attempt by the patron of Kirkham, Walter Espec, to turn the Augustinian priory into a Cistercian house in the early 1140s, Walthof left the office and became a Cistercian monk, first at Wardon and then at Rievaulx. In 1148 Waltheof became the abbot of Melrose and was later venerated at the abbey as a saint.¹⁷ This later career, so closely connected with the Cistercians and Rievaulx Abbey, strongly indicates that Waltheof supported reform ideas well before he himself became a white monk. All the connections to the Scottish royal court, Rievaulx Abbey, Walter Espec and Abbot Ailred firmly place him within the Cistercian network.

The counter-candidate was Henry de Sully, abbot of the Benedictine house of Fécamp. He was an extremely well connected candidate, being a nephew of King Stephen and Bishop Henry of Winchester. Despite this qualification, Henry was not willing to resign from the abbacy and Pope Innocent II, keen to prevent pluralism, would not confirm the election unless Henry first stepped down from the office at Fécamp.¹⁸ Baker found it somehow puzzling that the Cistercian 'reform party' did not object to the clearly nepotistic candidatures of Waltheof and even more so of Henry de Sully, both of whom he described as 'unsatisfactory candidates'. This question, indeed, led Baker to question the depth of reform ideas among leading Yorkshire Cistercians.¹⁹ Nepotism as such, however, was evidently not considered to be a disqualification by the reformers; rather, it was the nature and quality of the candidates that came under scrutiny. Waltheof was seen as having the right moral qualifications through his connections to the exponents of the reformed monasticism.

The dispute itself evolved over several years, bringing into its orbit different and sometimes interconnected ecclesiastical, political, and social networks – local, national, and international. After the failure to appoint

¹⁵ Baker, 'Viri religiosi', 94.

¹⁶ Norton, *St William*, 81.

¹⁷ *Heads of Religious Houses, 940–1216*, 168; H. Birkett, *The Saints' Lives of Jocelin of Furness: hagiography, patronage and ecclesiastical politics* (York, 2010), 201–26.

¹⁸ Norton, *St William*, 81.

¹⁹ Baker, 'Viri religiosi', 95.

the first two candidates, in January 1141, the York chapter elected William Fitzherbert. Having been a part of the York ecclesiastical establishment for a couple of decades, William was well known to all the electors and the majority vote was for him.²⁰ William of Aumâle, the earl of York, was present at the election, manifesting not only his own but also royal support for Fitzherbert's candidature. Several archdeacons, however, led by the most senior among them, Walter of London, archdeacon of York, and Osbert of Bayeux, archdeacon of Richmond, vehemently opposed it. The two opposing factions attempted to petition King Stephen, who was at that moment besieging Lincoln. Because Archdeacon Walter of London was captured and imprisoned by William of Aumâle in 1141, Fitzherbert came to be the only candidate and King Stephen duly invested him with the temporalities of the York see.²¹

As the opposition to Archbishop William grew during the course of 1141, a group of Cistercians and their supporters entered the dispute. At this stage the group consisted of Abbot William of Rievaulx, Abbot Richard II of Fountains, Prior Cuthbert of Guisborough, Prior Waltheof of Kirkham, and Master Robert of St Peter's Hospital in York. Several of them had direct connections to York, whilst Abbot Robert II was the former sacristan of St Mary's Abbey and a member of the original breakaway group. Abbot William enjoyed powerful international associations as a former secretary of Bernard of Clairvaux, while Waltheof, as we have seen, enjoyed links to the Scottish crown. The group petitioned the papal legate Henry of Blois, bishop of Winchester, bringing to him accusations of simony against William. The case was probably considered at a legatine council held in December 1141 at Westminster.²²

The papal legate declined to make a decision, and the matter was referred to Rome.²³ From then onwards, the disputed election became an international matter and it was at this point that Bernard of Clairvaux became

20 William is described as *Willelmus thesaurius* in a charter of Henry I of 1133, and as *thesaurarius Eboracensis* in a charter issued by King Stephen of 1136 × 9, *Early Yorkshire Charters*, i, nos 31, 132; *Regesta regum Anglo-Normannorum 1066–1154*, ii: *Regesta Henrici Primi 1100–1135*, ed. C. Johnson and H.A. Cronne (Oxford, 1956), no. 1759; III, *Regesta regis Stephani ac Mathildis ... 1135–54*, ed. H.A. Cronne and R.H.C. Davis (Oxford, 1968), no. 979. For full discussion of the identification of William as treasurer, see Norton, *St William*, 28–34.

21 John of Hexham, *Symonis historia regum continuata*, ed. T. Arnold, in *Symeonis monachi opera omnia; Historia regum*, 2 vols, RS 75 (London, 1882–5), ii, 307; Burton, 'William of York'; Baker, 'Viri religiosi', 95–9; Norton, *St William*, 81.

22 John of Hexham, 311; Norton, *St William*, 82.

23 John of Hexham, 311.

directly involved.²⁴ William Fitzherbert went in person to the papal Curia, while his opponents were represented by Archdeacon Walter of London and the monk of Rievaulx, Ailred, as the representative of Abbot William, in the spring of 1142.²⁵ Ailred and Walter stopped on the way to Rome at Clairvaux, where they received a supporting letter from Bernard of Clairvaux to Pope Innocent II.²⁶

In his letter of 22 April 1142, addressed to the leading figures of what we can term a 'reforming group' – the abbots of Rievaulx and Fountains, the priors of Kirkham and Guisborough, and the master of the York hospital – the pope explained that since the charges against William were based on second-hand evidence, he was unable to pass a judgment unless the accusers themselves came to Rome.²⁷ Within a year, fresh representations were made by William's opponents to Rome, this time, in order to meet Innocent's objections to the first accusation, including the abbots of Fountains and Rievaulx, the priors of Guisborough and Kirkham, Robert of the Hospital, as well as Walter, the archdeacon of London.²⁸ They appeared before the papal Curia on 7 March 1143, and declared that King Stephen had ordered the dean, through the person of William of Aumâle, count of York, to ensure William Fitzherbert's election as archbishop.

This time the pope's decision left no possibility of further appeal. Innocent II concluded in a letter to Henry of Blois, as papal legate in England, that there was indeed a case to answer, but that if the dean of York and two or three appropriate dignitaries (*cum duobus vel tribus idoneis personis*) of the church of York would swear on the Gospels that William had been elected freely, by the majority of the electors and with neither mandate nor nomination by the king, then the election should stand. Henry was instructed to conclude the affair, together with the bishop of Hereford 'and other religious men', who are unnamed.²⁹ William was duly consecrated as the archbishop of York on 26 September 1143.

24 Knowles, 'The Case of St William of York', 82, assumes that the pope must have been informed earlier about the progress of the dispute by the letters of Abbot William.

25 John of Hexham, 311. Walter Daniel, *The Life of Aelred of Rievaulx*, ed. and trans. F.M. Powicke (Kalamazoo, 1994), 107. Ailred's hagiographer linked Ailred's exceptional performance at the papal court with his promotion to the office of novice master on his return.

26 Bernard, 'Epistolae', 290 no. 347; Bernard, *Letters*, 262 no. 188; C.H. Talbot, 'New Documents in the Case of Saint William of York', *Cambridge Historical Journal*, 10 (1950), 1–15, at 2–3.

27 Norton, *St William of York*, 83; Talbot, 'New Documents', 3–4, 5.

28 John of Hexham, 313; *PU England*, ii, 177 no. 32, where Innocent specifies the presence of Walter at the Curia to make his accusation.

29 *PU England*, ii, 176–7 no. 32; summarized by Norton, *St William*, 84.

The brief pontificate of Celestine II, following Innocent II's death two days before Fitzherbert's consecration, did not change the course of the dispute. When Celestine died in March 1144, his successor Lucius II, in order to implement Innocent II's decision, sent a new legate, Cardinal Imar of Tusculum, bishop of Frascati, to England in late 1144 with the pallium for the new archbishop of York. Since Pope Lucius II died in February 1145, however, the pallium was never conferred on Fitzherbert.

A major shift occurred when Bernard of Pisa was elected as the new pope under the name Eugenius III on 15 February 1145. It became clear to Archbishop William that his position had been seriously undermined. He travelled to Rome in winter 1145/6, in order to receive the pallium at the pope's hands, but it now emerged that the oath required of the dean of York by Innocent II had never in fact been given, and Eugenius III consequently re-examined the disputed election. After Eugenius's decision to suspend William from office until the oath could be given by the former dean of York (William of Sainte Barbe, who by then had been elected bishop of Durham), the archbishop withdrew to Sicily. Early in 1147, after Fitzherbert's supporters in Yorkshire had staged an attack on Fountains Abbey, whose abbot Henry Murdac was the favoured candidate to replace him, Eugenius declared Fitzherbert deposed.

A papal letter of May 1147 authorized the bishops of Durham and Carlisle and the dean and chapter of York to hold a fresh election, following the deposition on 3 May 1147.³⁰ The new election took place on 24 July 1147 in Richmond; this time the electors were divided between *magister* Hilary, a canon lawyer connected to the former legate Henry of Blois, bishop of Winchester, who was supported by the 'William Fitzherbert camp' and Abbot Henry Murdac of Fountains, the favourite of the 'reform camp'. Unsurprisingly, the papal ruling was in favour of the Cistercian monk and Murdac was confirmed and consecrated as the archbishop of York.³¹

Analysis of the case against William

Throughout the years of the dispute, two issues lay at the centre of Cistercian opposition – the simoniacal nature of the election and the dubious morality

30 *PU England*, iii, 189–90 no. 62; Norton, *St William*, 120–1, and n. 152, drawing attention to doubts about the authenticity of this papal letter expressed by Baker, 'San Bernardo', 133, 139, 143.

31 John of Hexham, 320–1.

of William Fitzherbert. These two lines of argumentation were frequently connected, especially when the white monks questioned the validity of the entire process; however, each of the elements gained particular importance at different stages of the dispute. Here we will argue that the Cistercian strategy did not simply take the form of local opposition to a specific person, but was a part of a much wider Cistercian programme of Church reform, inherent in which was a struggle for improvement of the quality of prelates. The dispute cannot simply be reduced to a local animosity with political undertones; nor was the involvement of the white monks only a struggle for power and control. Although local Cistercian figures, especially the abbots of Fountains and Rievaulx, took the initiative, the role of Bernard of Clairvaux as adviser and supporter influenced the course of the dispute to a greater extent than the Yorkshire monks would ever have been able to do. The most important turning point came with the accession of Eugenius III, but his approach to the problem cannot be reduced to merely following the orders of Bernard of Clairvaux. Moreover, Bernard's strategy in the case of several other episcopal elections was to rely on information about the character of candidates from people he trusted, who were usually local Cistercian monks and routinely described by him as 'truthful men';³² the York case cannot therefore be described as simply 'top-down' pressure from Clairvaux.

The first evidence of the strategy against the disputed candidate emerged when in the spring of 1142, a Yorkshire delegation headed by Archdeacon Walter of London and Ailred, the Rievaulx monk representing Abbot William, brought with them a dossier prepared by abbots and priors from Yorkshire houses presenting their case.³³ When Ailred and Walter stopped on the way to Rome at Clairvaux, they received a supporting letter from Bernard of Clairvaux addressed to Pope Innocent II, in which he explained that the deputation of Yorkshire Cistercians was motivated not by personal interest, but by the best interests of the Church.³⁴ Although the accusation of simony is faintly hinted at, the greatest emphasis is placed on the lack of personal credibility of the candidate as a spiritual leader of his diocese. In a much-quoted passage, Bernard described the archbishop as 'rotten from the soles of his feet to the crown of his head'.³⁵ This is a very important indication as to why the Cistercians opposed the election. The objections

32 Newman, *The Boundaries of Charity*, 200.

33 John of Hexham, 311; Daniel, *The Life of Aelred of Rievaulx*, 107.

34 Bernard, 'Epistolae', 290 no. 347; Bernard, *Letters*, 262 no. 188; Talbot, 'New Documents', 2–3.

35 Bernard, 'Epistolae', 288–9 no. 346; Bernard, *Letters*, 261–2 no. 187.

to William's lack of personal qualities were not only a key element of their strategy, as usually emphasized in the literature, but the main reason for the white monks' opposition. It is irrelevant how true or not these accusations were: what this letter highlights is the concern over the quality of prelates. As Newman has stressed, 'the Cistercians believed one of their social functions was to aid in restoring the unity and celestial order of the Church by encouraging the moral and behavioural reform of the clergy'.³⁶

Already at this early stage of the dispute, the anti-William cause was propagated by a larger number of letters addressed by Bernard to several members of the Curia, who, as Talbot argued, 'had been trained in the monastic or religious life. For this reason they would not only be more sensitive to his appeals, but also more inclined to show sympathy for the cause sponsored by the Cistercians and Augustinians'.³⁷ These men included Cardinal Bishop Alberic of Ostia (a Benedictine, and former abbot of Vézelay), Stephen, cardinal bishop of Palestrina and formerly a monk of Clairvaux, Gerard, the papal chancellor and a canon regular of Bologna, and Guido di Castello, cardinal priest of Santa Croce in Gerusalemme, who, although an exception in this company in not himself being a monk, enjoyed a positive relationship with Bernard. In these letters Bernard strongly emphasizes that they share the same reform cause. Talbot stressed that even in the papal Curia, opposition to the election of William Fitzherbert was drawn along secular-monastic lines.³⁸ The vocabulary of these letters, especially that addressed to Cardinal Alberic resonates with references to *amicitia*. According to Julian Haseldine, use of this vocabulary indicates that the connection between Bernard and the recipient was, in fact, far from personal and close and that the use of the emotive language of *amicitia* was intended to persuade the addressee to act according to Bernard's wishes.³⁹ Bernard calls Alberic his *amicus* and refers to his support for the reform of the Church ('friend of religion' who is 'truly zealous for justice').⁴⁰

The evidence supplied by the white monks was clearly not enough for the pope to make a decision; hence his letter of 22 April 1142 addressed to the leaders of the opposition to Fitzherbert in Yorkshire requiring them to offer personal testimony rather than second-hand evidence.⁴¹ Further

36 Newman, *The Boundaries of Charity*, 170.

37 Talbot, 'New Documents', 2.

38 Talbot, 'New Documents', 2–3.

39 J. Haseldine, 'Friends, Friendship and Network in the Letters of Bernard of Clairvaux', *Cîteaux: Commentarii Cistercienses*, 57 (2006), 243–79.

40 Bernard, 'Epistolae', 493 no. 527; Bernard, *Letters*, 264 no. 191; Talbot, 'New Documents', 9.

41 Norton, *St William*, 83; Talbot, 'New Documents', 3–4 no. 5.

background to the position of the Cistercians in the conflict is highlighted by the letter sent to the same group by Cardinal Alberic of Ostia, whom Bernard had urged to support the Cistercian cause. Alberic was clearly concerned that they should make the journey to Rome as witnesses, because failure to do so would further undermine his own position at the Curia and the cause they all shared. In his exhortations to the Yorkshire monks, Alberic urged them to persevere even at the risk of bringing danger to themselves and their communities at the hands of the king and powerful laymen. The author invokes the familiar imagery of martyrdom. Norton interprets this letter as a rebuff to the group for bringing such weak evidence before the Curia – ‘they were lucky that the case had not simply been dismissed’⁴² – while Talbot took the references to the possibility of serious danger to the Yorkshire communities to be real. He considered a further letter sent by Bernard of Clairvaux to the Curia in 1143 to be a confirmation of that reality. Here Bernard wrote of ‘those great and goodly monasteries which are threatened by imminent destruction at the hands of this intruder’, and that he believed that the abbots and monks ‘would rather flee than clasp hands with death, prefer exile to eating the meat of idols’. Talbot concludes that ‘This danger was real and in no degree exaggerated.’⁴³ Since a physical attack on Fountains Abbey really occurred (see below), the reality of the danger facing Cistercian and Augustinian communities was not an exaggeration, but the content of the letters points again to the strength of the reform rhetoric, by which the Yorkshire monks and canons were encouraged to see themselves as the defenders of the spiritual well-being of the Church, and the authorities with responsibility for scrutinizing the suitability of prelates. The active concerns and involvement in the appointments to high offices were not contradictory to a life of contemplation. Even more, scrutiny of prelates was their duty. The further development of the dispute suggested that this view was internalized by the members of the group.

The changes in the line of attack by the Cistercian party influenced the new line of enquiry taken by the pope. In instructing his legate Henry of Blois to resolve the matter, on 7 March 1143, Innocent specified that if the dean and two or three other members of the York church would swear on the gospel that the election had been free from royal interference, then the

42 Norton, *St William*, 83.

43 Bernard, ‘Epistolae’, 111–12 no. 236: ‘si non miseremini magnis et religiosis monasteriis, quibus omnino sub incubatore illo destructio imminet’, and ‘Ante, nisi fallor, eligent fugere quam dare manus morti, et exsulare prius quam vesci idolothytis.’ Translated in Bernard, *Letters*, 273–4 no. 203.

validity of the appointment would be concluded. Since the *virī religiosi* from the York province claimed that the archbishop's sexual conduct had become the subject of gossip in the region, any formal charge of that nature, as well as the charge of simony, should be heard and investigated. If not, William Fitzherbert should swear on the Gospels, along with four 'honourable peers' (*quattuor honestis personis sui ordinis*), that he was not guilty of fornication or simony. The pope also required the legate to consecrate William as archbishop if the case was resolved in his favour.⁴⁴

This letter of Innocent II was, in Norton's view, a critically important point in the dispute. It clarified the nature of the accusation – royal intrusion in the process of the election, as presented by Archdeacon Walter of London and his witnesses connected with the chapter (William the Precentor) and the church in York (*magister* Robert). The accusations of simony and unchaste living and other moral failings were only brought up by the Cistercian and Augustinian abbots, and based on rumours. Undoubtedly local gossip and the animosity they represented were important, but the moral focus of these accusations is typical of Cistercian involvement. It was a frequent theme in Cistercian twelfth-century texts to criticize the moral weaknesses of prelates, especially worldly ambition, greed, vanity, and pride. Geoffrey of Auxerre, the Clairvaux monk who was one of the authors of Bernard's *vita prima*, even compared clerical wealth, love of pleasure, and desire for power as 'ingrained diseases killing the body of the Church'.⁴⁵ Bernard used similar language in his letter 'De moribus et officio episcoporum', urging Archbishop Henry of Sens to be vigilant against the dangers of 'avarice, vanity and pride'. Such language, however, cannot be read simply as the expression of abstract ideas or as rhetorical tropes cast as a kind of reflex action.⁴⁶ In the York case, Innocent II saw the need to differentiate between the nature of the two sets of accusations, and he therefore instructed his legate Henry of Blois (who was the bishop of Winchester and the brother of King Stephen) to deal with these two categories of accusations – simony and the poor quality of the candidate – separately and decisively: the first with an oath by the dean of York, the second with oaths by the accused and character witnesses.⁴⁷

44 *PU England*, ii, 176–7 no. 32; Norton, *St William*, 84.

45 Newman, *The Boundaries of Charity*, 157; Geoffrey of Auxerre, 'Sermo ad prelatos', *PL*, clxxxiv, 1098–9.

46 Newman, *The Boundaries of Charity*, 157; Bernard, 'Epistolae', 100–31 no. 42, sections 3, 4, 19 and 27, at 103–4, 114–15, and 122–3.

47 Norton, *St William*, 85.

This papal decision was not what the Cistercians had hoped for. On the way back from Rome Abbot Richard II of Fountains made another visit to Clairvaux and consulted with Bernard, who again sent a number of letters to the key people involved in the judgment of the case or whom he thought might be able to influence it.⁴⁸ These letters of Bernard are a particularly revealing source of Cistercian thinking, but also of the strategies of persuasion that he employed. The abbot of Clairvaux wrote directly to Bishop Henry of Winchester and Bishop Robert of Hereford, who were to judge the case, but also to King Stephen and his wife Matilda. The first two letters implored the recipients to make sure that the person elected was worthy of the position and that all the procedures specified by the papacy were observed.

It is important to consider why the accusation of simony gained so much prominence in the strategy of the Yorkshire Cistercians against the archbishop. The fight against simony, which was at the core of Church reforms in the eleventh century, came to embody the evils of lay influence over clerical appointments. Knowles pointed to the significance of the decree of the Second Lateran Council in 1139, which specified that the election of bishops should be entrusted not only to the canons of a given cathedral, but also monks and canons from the dioceses as part of the electoral college.⁴⁹ The presence of *virī religiosi* was to ensure the election of 'capable and trustworthy persons' for the office. Monks and canons were not to be barred from participation, under the threat of annulment of the election. Several historians have stressed the importance of this decree as a significant factor in the background to the York case.⁵⁰ Similarly, it has been argued that Bernard of Clairvaux disputed the election at Langres in 1138 on the same ground, just as he did the York decision a few years later.⁵¹ But these two issues or episodes are also manifestations of wider trends.

The regulations against simony were repeated in the canons of several councils at Clermont (1130), Reims (1131), and Pisa (1135), as well as a council of English bishops in London (1138) and of Second Lateran (1139), all within

48 *Narratio de fundatione Fontanis monasterii*, in *Memorials of the Abbey of St. Mary of Fountains*, ed. J. Walbran, 3 vols, Surtees Society 42 (Durham, 1863), i, 75; Bernard, 'Epistolae', 496–500 nos 531–4; Bernard, *Letters*, 266–8 nos 195–8; Talbot, 'New Documents', 12–13; Norton, *St William*, 85–6.

49 Lat. II, c.28: *Decrees of the Ecumenical Councils*, ed. N. Tanner, 2 vols (Georgetown, 1990), i, 203.

50 Nicholl, *Thurstan*, 128, 135, 136; C. Holdsworth, 'St Bernard and England', *Anglo-Norman Studies*, 8 (1985), 149.

51 G. Constable, 'The Disputed Election at Langres in 1138', *Traditio*, 13 (1957), 119–52.

the decade leading to the events at York. As a result, simony came to be codified as a condition invalidating election: Canon 1 of the 1139 Council declared 'We decree that if anyone has been ordained simoniacally, he shall lose the office thus illicitly obtained.'⁵² Therefore the charge brought by the *viri religiosi* from Yorkshire had not only spiritual gravity, but the force of legal prescription as well.

On the surface it seems that what Bernard was suggesting was that William Fitzherbert was not a candidate who could fulfil the standards required of a prelate, but his contributions to the dispute also contain more general statements about what he expected from the secular clergy – both candidates for high offices and those who were involved in their elections – in broader terms. Papal authority is strongly emphasized by Bernard.⁵³ The letters to King Stephen and Queen Matilda are less oblique. Bernard pleaded with the king not to interfere in the York election, so that the decision could be made freely and canonically. In the letter to the queen, Bernard implored her to prevent 'that man from occupying the see of York any longer', adding that 'I have heard all about his life and the manner of his election from religious men who are utterly trustworthy.' At the same time, he requested Queen Matilda to influence her husband not to interfere with the election.⁵⁴ His pleas exposed the logic that free election was not simply the only acceptable method, but also one that would automatically produce a candidate of the highest quality. At the same time, such a candidate was equated with a contender supported by the Cistercians. Hence the fear of royal interference was not necessarily linked to the possibility that King Stephen would automatically skew it in favour of William Fitzherbert, but rather that a free election would produce a better candidate.⁵⁵

Even in September 1143, when the battle over the appointment seemed to be lost, it was not the end of the ideological struggle for the Cistercians. Bernard sent a consoling letter to Abbot William of Rievaulx urging him not to despair, reassuring him that he had done all he could and reminding him that 'it will not be long now before the Pope hears of what has happened,

52 Lat. II, c.1, *Decrees of the Ecumenical Councils*, i, 190.

53 For example, in the letter to Robert, bishop of Hereford, Bernard, 'Epistolae', 497 no. 532; Bernard, *Letters*, 266 no. 196.

54 Bernard, 'Epistolae', 498–9 nos 533, 534; Bernard, *Letters*, 268 no. 197, 267–8 no. 198.

55 For an analysis of King Stephen's relationship with the Church, see C. Holdsworth, 'The Church', in *The Anarchy of King Stephen's Reign*, ed. E. King (Oxford, 1994), 207–29; C. Harper-Bill, 'The Anglo-Norman Church', in *A Companion to the Anglo-Norman World*, ed. C. Harper-Bill and E. Van Houts (Woodbridge, 2002), 187–8; S. Maritt, 'King Stephen and the Bishops', *Anglo-Norman Studies*, 24 (2001), 129–44.

and whatever he orders and decrees do you hold to and follow with a good conscience'.⁵⁶ Here we see another important and recurring theme. Bernard wanted to maintain a close alliance with the papacy, which was essential for his reform agenda. The strong belief in the righteousness of his cause and in the damage caused to the Church through the election of the wrong man provoked him to send further letters. He even urged William of Rievaulx to remain realistic, but not to give up, because 'we should have to leave this world altogether if we would fly from all the bad men tolerated by the Church'.⁵⁷

The election of Eugenius III in 1145, besides being of wider importance for the entire Cistercian family, marked a turning point in the disputed election saga. The new pope was not only a monk of the Order but the founding abbot of Tre Fontane, a direct filiation of Clairvaux. Although raised to a position of authority and power well above all his fellow monks, ideologically he remained a part of the Cistercian community.⁵⁸ In the letter sent to the new pope by Bernard of Clairvaux, the Cistercian leader acknowledged the continuation of Eugenius's bond with the monastic community from which he had come, but also stressed the change in the hierarchical relationship between them. In this context his emphasis on their shared concerns over the Church is striking. Among these issues, the disputed election of the archbishop of York is explicitly mentioned, and two further letters addressed it even more directly.⁵⁹ Bernard of Clairvaux urged the new pope to instruct the legate to depose Archbishop William who was oppressing 'our brethren' and, using a gardening metaphor, asked rhetorically 'surely the time has come for pruning'.⁶⁰ Although the content of the letters to Eugenius was not much different from those sent to his predecessors, there was clearly an understanding that the new pope and Bernard were part of the same monastic family and shared the same concerns. It is not an over-interpretation to suggest that the Cistercian leader also assumed that they agreed on the solution to the crisis in York.

In winter 1145/6 the disputed election was re-examined by Eugenius III. His approach was significantly different from that of his papal predecessors, and introduced a new element to the process. The pope came to the conclusion that serious procedural failings had occurred, and that consequently

56 Bernard, 'Epistolae', 296 no. 353; Bernard, *Letters*, 268 no. 199.

57 Bernard, 'Epistolae', 296 no. 353; Bernard, *Letters*, 268 no. 199.

58 Newman, *The Boundaries of Charity*, 149, 152.

59 Bernard, 'Epistolae', 115–19 no. 238, 120–4 nos 239–40; Bernard, *Letters*, 277–84 nos 205–8.

60 Bernard, 'Epistolae', 124 no. 240; Bernard, *Letters*, 282–3 no. 207.

the consecration should have not been carried out. In particular, the oath by the dean, William of Ste Barbe, which had been demanded by Innocent II in March 1143 in order to clear the archbishop of the charge of intrusion, had never taken place. It was no accident that William of Ste Barbe (later bishop of Durham) had not performed the oath by February 1146. He also opposed William Fitzherbert as an unsuitable candidate and was closely connected with the Cistercian and Augustinian reformist group. It would have been extremely unlikely that he should have performed such an oath, with all its legal and spiritual consequences, if he was unconvinced about the moral quality of the candidate.⁶¹

As stressed earlier, in Bernard's understanding of the procedure, free election was equated with the selection of the right candidate. This was also the view supported by Eugenius. Modern historiography tends to follow the assertion of John of Hexham that although the majority of the members of the Curia were in favour of William, the new pope was compelled to give in to the pressure exerted by Bernard of Clairvaux. This interpretation, however, disregards the role of the Cistercian ideology of reform shared by both men.

When Eugenius III suspended William Fitzherbert, the archbishop's followers in Yorkshire attacked Fountains Abbey in retaliation, seeing the new abbot Henry Murdac as the chief instigator of William's problems.⁶² A dramatic description of the burning and looting of the monastery, and the apparently miraculous escape of Murdac, who remained undiscovered by the attackers while praying in the church, is included in Hugh of Kirkstall's *Narratio de fundatione Fontanis monasterii*. The text, written over a period of time between 1205 and 1226, incorporated an eyewitness account of the monk Serlo. Baker has questioned the reliability of Serlo's narrative, given that the *narratio* was based for these sections on the archival resources at Fountains and other Cistercian texts. There is no doubt that the attack on Fountains really happened, but the text is also important because of the value of this narrative to the identity of Yorkshire Cistercians.⁶³ As is the case in many other Cistercian foundation narratives, the *narratio* contains a *topos* of overcoming difficulties and struggling with crises. Such stories were very important in shaping the identity of monastic communities and

61 H.S. Offler, 'Ste Barbe, William de (c.1080–1152)', *ODNB*, xlvi, 596–7.

62 *PU England*, ii, 204–5 no. 50; John of Hexham, 318; Knowles, 'The Case of St William', 89; Norton, *St William*, 118–20.

63 Evidence of a substantial fire is confirmed by R. Gilyard-Beer and G. Coppack, 'Excavations at Fountains Abbey, North Yorkshire, 1979–80: the early development of the monastery', *Archaeologia*, 108 (1986), 147–88, cited in Norton, *St William*, 120 n. 149.

their perceptions of their own past – as argued persuasively by Janet Burton in relation to several Yorkshire and other Cistercian foundation narratives.⁶⁴ At the time, the attack on Fountains Abbey also had important value in affirming in the eyes of Bernard of Clairvaux that they were indeed fighting for a righteous cause, and the violence against the monks was another argument against William. In a further letter to Pope Eugenius III, he demanded the deposition of Fitzherbert, in tones that veer between the trenchant and the desperate, and warned the pontiff that if the archbishop remained in office, any resultant evil would be on Eugenius's conscience.⁶⁵ These are powerful rhetorical weapons indeed, but this type of emotional argument was frequently used by Bernard to convince recipients to undertake specific actions. As one historian has observed, moreover, previous letters to popes had yielded so little that by the time Eugenius became pope he may have almost given up hope that his powers of persuasion would ever be effective.⁶⁶

Cistercian views of leadership in the Church

Beyond the motivations and actions of the individuals involved in the case over the years, the disputed election in York provides important evidence for Cistercian convictions about leadership in the Church. In the first half of the twelfth century Cistercians relied on the network of understanding bishops who supported and promoted reform ideas.⁶⁷ This network gained in strength as Cistercians started to be elected bishops in significant numbers.⁶⁸ In these high posts they continued to associate themselves with the ethos of the white monks, and often actively supported the Order. Their

64 J. Burton, *Foundation History of the Abbeys of Byland and Jervaulx*, Borthwick Texts and Studies, 35 (York, 2006), xiv; L.G.D. Baker, 'The Genesis of English Cistercian Chronicles: the foundation history of Fountains Abbey I', *Analecta Cisterciensia*, 25 (1969), 1–41; L.G.D. Baker, 'The Genesis of English Cistercian Chronicles: the foundation history of Fountains Abbey II', *Analecta Cisterciensia*, 31 (1975), 179–212; E. Freeman, *Narratives of a New Order: Cistercian historical writing in England, 1150–1220* (Turnhout, 2002), 152–68.

65 Bernard, 'Epistolae', 148–9 no. 252; Bernard, *Letters*, 283–4 no. 208. See the verdict of Norton, *St William*, 122–3: 'some of his letters on the York dispute are among the most intemperate, vituperative and partisan of all his writings.'

66 Holdsworth, 'St Bernard and England', 151.

67 Haseldine, 'Friends, Friendship and Networks', 253–4, 272.

68 Between 1098 and 1227, nineteen cardinals and 151 bishops and archbishops were appointed from the Cistercian order (of whom twenty became monks only after resigning the office of bishop). J. Lipkin, 'The Entrance of the Cistercians into the Church Hierarchy 1098–1227: the Bernardine influence', in *The Chimaera of His Age: studies on Bernard of Clairvaux*, ed. E.R. Elder and J.E. Sommerfeldt, *Studies in Medieval Cistercian History*, 5 (Kalamazoo, 1980), 62–75.

use of monks and *conversi* as companions strengthened the bond with the Cistercian life.⁶⁹ Newman has argued that the scale of co-operation between Cistercians and prelates was unprecedented in comparison with earlier relationships between Benedictine monks and bishops, or with later contacts between bishops and mendicants. This was largely, in her view, because Cistercians did not assume responsibility for the salvation of the laity through the cure of souls, and therefore did not pose challenges to episcopal authority.⁷⁰ In short, as Cistercians were not in competition with the secular Church, especially at the parish level, as mendicants often were a century later, co-operation was easier. Yet co-operation could only work for the Cistercians if clerical leaders were of the right quality. To Bernard, bishops were, or should be, exemplars to the clergy, but too often they failed to set the right example.⁷¹ Probably the best example of the 'ideal bishop' promoted by Bernard was the former archbishop of Armagh, Malachy. Although not a white monk himself, he asked Clairvaux to train monks in the Cistercian observance to send to his provinces, and helped to expand the Cistercian network through the foundation of Mellifont Abbey (1142), which became the mother house of a large network, mostly through incorporations.⁷² Bernard's *Vita sancti Malachie* is probably the clearest exposition what he thought was an 'ideal bishop' – a man who combined strong personal moral qualities with the ability to be a good and effective administrator. His hagiography emphasizes physical chastity, the rejection of the wealth and pomp associated with episcopal office, and concern for his own salvation and that of others through dedication to pastoral care in the diocese and the foundation of religious houses.⁷³

In the period before the death of Bernard of Clairvaux, Cistercians were particularly active exponents of the moral aspects of Church reform. This manifested itself in lobbying for appropriate candidates for high office. They were involved in episcopal elections, and wrote and preached about the virtues of ideal prelates and criticized what they regarded as low standards of behaviour. There was a clear idea that Cistercian 'monasteries provided

69 *Twelfth-Century Statutes from the Cistercian General Chapter: Latin text and English notes and commentary*, ed. C. Waddell, *Studia et Documenta*, 12 (Brecht, 2002), 1185: 1.

70 Newman, *Boundaries of Charity*, 12.

71 G.R. Evans, *Bernard of Clairvaux* (Oxford, 2000), 94–5.

72 Bernard of Clairvaux, *The Life and Death of Saint Malachy*, trans. and annotated by R.T. Meyer (Kalamazoo, 1978), 50; M.T. Flanagan, 'Irish Royal Charters and the Cistercian Order', in *Charters and Charter Scholarship in Britain and Ireland*, ed. M.T. Flanagan and J.A. Green (Basingstoke, 2005), 122–5.

73 Newman, *The Boundaries of Charity*, 165.

a training ground for a reformed clergy' who were characterized by superior moral qualities. The model of the Church championed by Bernard of Clairvaux was episcopal and independent of secular powers.⁷⁴ During Bernard's lifetime Clairvaux became a training centre for abbots within the Order, among whom a significant number went on to hold other positions within the Church.⁷⁵ After his death there was a marked decline in the ecclesiastical appointments of Cistercians until another peak after the 1180s. At any given time before 1227, there were never more than twenty-nine Cistercians in secular (i.e. non-monastic) offices, so numerically this was never a large-scale phenomenon; it was nevertheless an important one for the Order's development, and provided an important channel of Cistercian involvement in the reform of the Church.⁷⁶

Once a white monk had become pope, the role of Cistercian leadership within the Church became an even more complex issue. The reopening of the case against William Fitzherbert was, according to Norton, driven exclusively by Bernard of Clairvaux and Henry Murdac. The real, local opposition from within Yorkshire disappeared after 1142/3. Abbot William of Rievaulx and Abbot Richard II of Fountains were both dead, Waltheof of Kirkham left the house, first for Wardon and then for Rievaulx, and by 1148 he had become abbot of Melrose. Archdeacon Walter of London did not go again to Rome, and although the prior of Guisborough and the *magister* of the York hospital remained in their offices, they took no further part in the later stages of the dispute. Hence Bernard and Henry 'must take most of the credit or blame for William's eventual deposition'.⁷⁷ Norton argues that the deposition was provoked by 'vexatious litigation' by Bernard, and stresses that he 'would have done well to learn from the example of Archbishop Thurstan who, in 1123, urged the pope not to overturn William of Corbeil's election as archbishop of Canterbury on a point of procedure, but rather to consider his merits and the greater good of the church'.⁷⁸ However, it was precisely the good of the Church that motivated Bernard of Clairvaux's campaign to remove the archbishop, and he was assisted in this project by his fellow Cistercian, Henry Murdac. Pope Eugenius undoubtedly shared

74 Ibid., 169; B.P. McGuire, *The Difficult Saint: Bernard of Clairvaux and his tradition* (Kalamazoo, 1991), 84.

75 Lipkin, 'The Entrance of the Cistercians into the Church Hierarchy', 65–6, shows that by 1152–3 twelve bishops were former monks of Clairvaux, though this figure declined to just three by 1180.

76 Ibid., 63–6, 69.

77 Norton, *St William*, 122.

78 Ibid., 123.

Bernard's view on the need to mobilize white monks to fight for the quality of prelates as a central plank of clerical reform.

The special relationship that Bernard enjoyed with Eugenius III, whose former novice master he was, cannot be separated from his view on the nature of the papal office.⁷⁹ The question of Bernard's view of papal leadership has often been explored. Hayden V. White argued that '[F]or Bernard, the true leader will be pre-eminently a spiritual teacher, not one trained in dialectic, law, arms, and diplomacy, but one schooled in the practice of humility, charity, and contemplation.'⁸⁰ Similarly, John R. Sommerfeldt stressed that Bernard's strategy, when supporting the claims of Innocent II against Anacletus in the schism following the disputed papal election of 1130, focused on Innocent's character, his 'pure life', as opposed to the 'sinful' character of Anacletus, and in so doing valued 'moral character and spiritual attainment' above the canonical process of election.⁸¹ Although White and Sommerfeldt differ on the nature of papal reform and on Bernard's role in it, their observations are significant in relation to the York election dispute. The Cistercians' insistence on the moral quality of candidates for high office was just as important in archiepiscopal elections as it had been in the papal election of 1130. At the same time, the preference for Murdac as archbishop in place of Fitzherbert shows that the Cistercians saw themselves not only as qualified to judge between candidates, but also to train future candidates. This qualification could only come from experience of the contemplative monastic life.

Conclusion

One of the most obvious conclusions that can be drawn from the story of the disputed election at York is that, although local politics were an important part of the conflict, the Cistercians were particularly persistent players whose motivation transgressed specific local contexts. Christopher Holdsworth suggested that Bernard's involvement in the case was not only influenced by a rejection in principle of lay influence over ecclesiastical appointments, but also because this particular situation was potentially

79 A.H. Bredero, *Bernard of Clairvaux: between cult and history* (Edinburgh, 1996), 145.

80 H.V. White, 'The Gregorian Ideal and Saint Bernard of Clairvaux', *Journal of the History of Ideas*, 21 (1960), 321–48, at 343.

81 J.R. Sommerfeldt, 'Charismatic and Gregorian Leadership in the Thought of Bernard of Clairvaux', in *Bernard of Clairvaux: studies presented to Dom Jean Leclercq* (Kalamazoo, 1973), 73–90, at 79–80.

very injurious to the Cistercian fortunes in Yorkshire. '[H]e feared that if an archbishop unfriendly to the Cistercians were established at York, then the further expansion of the Order within northern England might be imperilled.'⁸² This is surely correct, but for the white monks, the stakes were even higher than the well being of a few communities. Whereas Derek Baker emphasized the local ecclesiastical context, this essay has argued that the attitudes that informed local opposition to Fitzherbert most likely originated in wider international reform tendencies. The Cistercians in the 1140s and early 1150s can be considered more as a movement than as a highly organized order: a movement whose strength was based on personal networks and connections rather than organizational structures. The Cistercians were able to take such an active part in the disputed election in York precisely because of the international and, at the same time, personal connections that characterized them. Bernard of Clairvaux never came to England, yet without his involvement, through his correspondence, the deposition of William Fitzherbert might never have taken place.

The case of York was not the only one in which Bernard interfered. Apart from Henry Murdac, Godfrey of Langres and Alan of Auxerre were Bernard's chosen – and successful – candidates in other disputed elections.⁸³ Why was it so important for the Cistercians that their preferred candidate was chosen – whilst they were not electors themselves? As Martha Newman remarked, the logic of the Cistercian view was that 'unless ecclesiastical leaders could combine their authority with virtue, monks could not remain in their monasteries in a life of quiet prayer and contemplation'.⁸⁴ In this sense, monks' involvement in the dispute was not a choice, but an obligation. If the monastery was good preparation for the reform clergy, because of the training it provided in moral virtues, humility, and obedience, then Cistercian monks could provide worthy candidates, who were perceived to be freer from the polluting influence of wealth, carnality, and secular influence than was the case with clerical candidates.⁸⁵ This brings us to the phenomenon of Cistercian bishops, of whom Henry Murdac was but one example. Even in high office, they continued to be members of the Cistercian family, retained many elements of monastic observance and

82 Holdsworth, 'St Bernard and England', 50.

83 Constable, 'The Disputed Election at Langres', 119–52; C. Bouchard, *Spirituality and Administration: the role of the bishop in twelfth-century Auxerre* (Cambridge, Mass., 1979), 69–71. It is worth pointing out that these were disputed elections in which other, non-Cistercian voices were equally strong.

84 Newman, *Boundaries of Charity*, 155.

85 *Ibid.*, 155.

often continued their ties of friendship within their old communities. The same goes for the Cistercian holder of the highest office in the Church. According to the *Vita prima* of Bernard of Clairvaux by Geoffrey of Auxerre, Pope Eugenius III took part in the Cistercian Chapter General in 1147 not as the supreme pontiff, but as a member of the Cistercian family. ‘The venerable pope was present, not presiding as if with apostolic authority, but sitting among them with fraternal charity, as if one of them.’⁸⁶ The election of Pope Eugenius III allowed the Cistercians to implement their vision of the Church at a level that was not possible before or after. The battle over the archiepiscopal appointment in York was only one element of this project.

About the author

Emilia Jamroziak is Professor of Medieval Religious History at the University of Leeds. Her research focuses on medieval monastic communities and their place in the wider social context; medieval frontiers and late medieval religious culture within both a north-western and east-central European context.

86 Geoffrey of Auxerre, ‘Sancti Bernardi vita prima’: *PL*, clxxxv, 344 (iv.7): ‘praedictus papa venerabilis adfuit, non tam auctoritate apostolica praesidens, quam fraterna charitate residens inter eos, quasi unus ex eis’.

4. Eugenius III and the Crusades to the East

Jonathan Phillips

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Abstract

While some historians have generally assigned to Bernard of Clairvaux an overwhelmingly dominant role in the Second Crusade, others have accused Eugenius III of ‘remarkable passivity’. This chapter suggests that the pope’s suitability and competence to organize the crusade has been seriously underestimated and offers further investigation to lead towards his rehabilitation. In particular, an examination of the background to Eugenius III’s crusade encyclical *Quantum praedecessores* of 1 December 1145 and the process which resulted in the reissuing of this letter on 1 March 1146 reveals that the pope’s circle of advisors played a more influential role in determining the form of the encyclical than has hitherto been thought. *Quantum praedecessores* represented a real landmark in the development of crusading.

Keywords: *Quantum praedecessores*; Edessa; Alberic; cardinal bishop of Ostia; *Divini dispensatione I*; Zangī; ruler of Aleppo and Mosul; Bernard of Clairvaux

Bernard’s unanimous election as Pope Eugenius III provoked a scathing reaction from his fellow-Cistercian, Abbot Bernard of Clairvaux:

God have mercy on you [the papal Curia]; what have you done? ... What reason, what counsel, made you ... suddenly rush upon this rustic, lay hands upon him when hiding from the world, and, knocking away his axe, mattock or hoe, drag him to the palatine, place him upon a throne, clothe him in purple and fine linen, and gird him with a sword...? Had you no other wise and experienced man amongst you who would have

been better suited to these things? ...Ridiculous or miraculous? Either one or the other... I fear that he may not exercise his apostolate with sufficient firmness.¹

Other contemporaries described the pope as a man of eloquence and wisdom, but the pervasive words of Abbot Bernard – buttressed by his hagiographers' reports of countless miracles during his preaching tour – have tended to colour historians' views of Eugenius and his suitability to steer a crusade.² This, in turn, has caused them to assign Bernard an overwhelmingly dominant role in the campaign and thereby to seriously underestimate Eugenius's contribution to the history of the crusades. Barber wrote that the abbot 'almost single-handedly put together a crusade which neither pope nor king [Louis VII, 1137–80] had been able to launch on their own, and consequently the Second Crusade bears Bernard's stamp'.³ Likewise Hiestand argues that 'the propaganda and the preaching of the Second Crusade was not the work of the pope but that of Bernard of Clairvaux, his fellow-abbots and [his chancery] ... The Second Crusade was not Eugenius III's but Bernard of Clairvaux's crusade'.⁴ Tyerman gives the sense that Eugenius was 'remarkably passive'.⁵ But, as we will see, these assessments are too simplistic.

Pope Eugenius III's publication of the bull *Quantum praedecessores* on 1 December 1145 – a response to the capture of the Christian city of Edessa in northern Syria on 24 December 1144 by Zangī, the Muslim ruler of Aleppo and Mosul – proved a significant moment in the history of the crusades.⁶ This text is the first papal appeal for a major crusade to the Holy Land to survive. The bull was addressed to Louis and his nobles, and while we know of contact between the papacy and the Crown over the summer and autumn

1 Bernard, 'Epistolae', 113–15 no. 237.

2 JS *HistPont*, 51, 61–2; Boso, *Vita Eugenii*, 386; Robert of Torigny, *Chronicon*, ed. G.W. Pertz, *MGH SS*, vi (Hanover, 1844), 475–535, at 501.

3 M. Barber, *The Two Cities: medieval Europe 1050–1320* (London, 1992), 127.

4 R. Hiestand, 'The Papacy and the Second Crusade', in *Second Crusade*, ed. Phillips and Hoch, 7.

5 C.J. Tyerman, *God's War: a new history of the Crusades* (London, 2006), 275.

6 JL 8796: *PL*, clxxx, 1064–6 no. 48; trans. L. and J. Riley-Smith, *The Crusades: ideal and reality 1095–1274*, Documents of Medieval History, 4 (London, 1981), 57–9. After the fall of Edessa the leaders of Antioch and Jerusalem sent a series of embassies to the West, the most prominent headed by Bishop Hugh of Jabala who, on his arrival at the papal court, expressed the wish to seek help from the rulers of France and Germany: J.P. Phillips, *Defenders of the Holy Land: relations between the Latin East and the West, 119–1187* (Oxford, 1996), 74–6; J.G. Rowe, 'The Origins of the Second Crusade: Pope Eugenius III, Bernard of Clairvaux and Louis VII of France', in *Second Crusade*, ed. Gervers, 79–89.

of 1145 the document did not reach the king's Christmas court at Bourges in time for his announcement that he intended to take the Cross. While Louis was said to be burning with zeal to fight the Muslims, others were less enthusiastic and wanted the endorsement of the bull itself. Thus a formal commitment was postponed until a major assembly at Vézelay at Easter 1146, attended by Bernard of Clairvaux and a wide array of secular and ecclesiastical figures.⁷ A second issue of *Quantum praedecessores*, on 1 March 1146, underpinned this event and proved essential in driving forwards the preaching of the expeditions known as the Second Crusade.⁸ Eugenius issued further crusade bulls, most notably the ground-breaking *Divini dispensatione II* which endorsed a three-pronged attack on the enemies of Christendom in the Holy Land, Iberia and, for the first time, brought the full apparatus of the crusade to bear against the pagan Wends of the Baltic.⁹ An evaluation of the pope's contribution to the crusade should also consider Eugenius's presence in Paris during the final months of King Louis VII's crusade preparations as well as his role as a diplomat and peacemaker. Yet when the campaign to the Holy Land collapsed outside the walls of Damascus in July 1148 the papacy – understandably, given its pre-eminent role in promoting the expedition – felt a backlash from the participants and the people of the Christian West. Notable figures such as Bernard of Clairvaux, Peter the Venerable, and Abbot Suger of Saint-Denis endeavoured to retrieve the situation with a bid to launch a new crusade in 1150, but this failed, in part because of Eugenius's own misgivings. Before a more detailed analysis it is important to establish some context. The pope's background, his early career, and the circle of people around him help to explain, for example, the content of *Quantum praedecessores* and *Divini dispensatione I*, and may also permit us to see how the idea of the crusade evolved during the early decades of the movement.

Bernard spent his early career in the Church at Pisa.¹⁰ Pope Innocent II (1130–43) would use Pisa as his principal refuge during the papal schism of the 1130s and many of his supporters gathered there for the Church Council of 1135, including several people who would become prominent in Eugenius's

7 J.P. Phillips, *The Second Crusade: extending the frontiers of Christendom* (London, 2007), 62–7.

8 JL 8876, re-edited by R.Grosse, 'Überlegungen zum kreuzzugsaufruf Eugens III. von 1145/46. Mit einer Neu edition von JL 8876', *Francia*, 18 (1991), 85–92. Henceforth QP.

9 See Iben Fonnesberg-Schmidt, 'Eugenius III and the Northern Crusade', Ch. 5, below.

10 For Eugenius's early career see Horn, *Studien*, 19–40.

administration and the Second Crusade.¹¹ It was here that Bernard probably met his namesake, the abbot of Clairvaux and, deeply moved by the experience, he became a monk at Clairvaux. Within a few years Bernard of Pisa took control of the abbey of SS. Vincenzo e Anastasio near Rome where he imposed a rigorous regime.¹² On 15 February 1145 Pope Lucius II (1144–5) died and three days later Bernard, now based at the abbey of Tre Fontane, was consecrated as pope taking the name Eugenius III. Notwithstanding the famously lukewarm endorsement noted above, Bernard then offered his full support to the new pontiff, the first Cistercian monk to ascend to the chair of Saint Peter.¹³

One of the most important figures in Eugenius's administration was Alberic, cardinal-bishop of Ostia.¹⁴ He was a Cluniac who became bishop of Vézelay by 1131; he was present at the Council of Pisa in 1135 and three years later Pope Innocent II appointed him cardinal bishop of Ostia. His first legation was to England and Scotland but he returned to Rome for the Second Lateran Council in 1139. His next mission was to the Holy Land.¹⁵ Alberic participated in a campaign near Banyas and then convened the synod at Antioch that deposed Patriarch Ralph. The legate also called a synod at Jerusalem (1141) where the Armenian *catholicos* discussed dogma and professed a number of orthodox beliefs.¹⁶ Alberic was back in Rome by March 1144 and he spent the summer in southern France, working with Bernard of Clairvaux and Bishop Geoffrey of Chartres in the struggle against heresy. He was at Viterbo by mid-November 1145, just prior to the issue of *Quantum praedecessores*, and was in almost constant attendance on the pope during the build-up to the crusade.¹⁷ He was clearly a trusted advisor and a man possessed of a wide range of diplomatic abilities, as well as considerable contemporary knowledge of the Holy Land.

11 R. Somerville, 'The Council of Pisa, 1135: a re-examination of the evidence for the canons', *Speculum*, 45 (1970), 98–114.

12 Bernard, 'Epistolae', 286–8 no. 345.

13 Bernard, 'Epistolae', 117 no. 238.

14 For the most detailed biography of Alberic, see R. Manselli, 'Alberico, cardinale vescovo d'Ostia e la sua attività di legato pontificio', *Archivio della Società Romana di storia patria*, 78 (1955), 23–68; Zenker, 15–18.

15 Richard of Hexham, 'De gestis regis Stephani et de bello standardi', *Chronicles of the Reigns of Stephen, Henry II and Richard I*, ed. R. Howlett, 4 vols, RS 82 (1884–9), iii, 167.

16 William of Tyre, *Chronicon*, ed. R.B.C. Huygens, 2 vols, CCCM 63, 63A (Turnhout, 1986), 688–99; *Regesta regni Hierosolymitani, 1097–1291*, ed. R. Röhrich (Innsbruck, 1893), 50, 52 nos 203, 208.

17 For Alberic at Viterbo, see J. Pflugk-Harttung, *Acta pontificum Romanorum inedita*, 3 vols (Stuttgart, 1881–8), i, 177–80 no. 198.

Another figure close to Eugenius was his fellow-Pisan, Guido, cardinal deacon of SS. Cosma e Damiano. Guido was papal legate to Spain and Portugal in 1134, 1135–7 and 1143.¹⁸ He was at the Council of Pisa in 1135 and was appointed papal chancellor in late 1146. Like Alberic he remained with the pope during 1146 and on his journey to France in early 1147, but in April he went to Germany to plan for the governance of the empire during the impending absence of King Conrad III (1138–52).¹⁹

Theodwin of Santa Rufina was an experienced papal legate with expertise in German matters. He had been to the empire in 1135 and 1136 and had crowned Conrad III king in 1138. He visited the German monarch again in 1140 and 1142 but was present at Eugenius's court from March to June 1145.²⁰ From the autumn of 1145 to mid-1147 he moved between the Curia and Germany supporting Conrad's crusade preparations.²¹

Two further senior religious figures, Peter the Venerable and Otto of Freising, were with Eugenius when the crusade appeal was issued. The former was abbot of Cluny between 1122 and 1156, supervising its multitude of houses across the heartlands and frontiers of Christendom. Peter had attended the Council of Pisa and the Second Lateran Council. In 1142–3 he visited Spain, probably at the request of King Alfonso VII of Castile.²² There he wrote the polemical tract *Liber contra sectam sive haeresim Saracenorum* and commissioned a translation of the Koran intended to refute Islamic belief.²³ Peter accompanied Eugenius from November 1145 until February 1146.²⁴

Otto of Freising is well known as the author of *De civitatibus duabus* and the *Gesta Friderici I Imperatoris*.²⁵ He was a former Cistercian monk from the abbey of Morimond who had been bishop of Freising since 1137; he was also

18 Zenker, 146–8; I.S. Robinson, *The Papacy 1073–1198: continuity and innovation* (Cambridge, 1990), 159.

19 For Guido's presence at the Curia, see *PL*, clxxx, 1051–1200; for his appearance in Germany, see Henry VI, 'Urkunden', in Conrad III, *Urkunden*, 523–5 no. 4.

20 Conrad III, *Urkunden*, 15–16 no. 8 (1138), at 16; 87–8 no. 52 (1140), at 88; 145–9 no. 83 (1142), at 148; *PL*, clxxx, 1015–17 no. 2; 1050–1 no. 33; Robinson, *Papacy*, 159, 316; Zenker, 26–8.

21 Conrad III, *Urkunden*, 241–3 no. 133; *PL*, clxxx, 1154–6 no. 128, at 1156; Conrad III, *Urkunden*, 332–3 no. 184.

22 C. Bishko, 'Peter the Venerable's Spanish journey', *Studia Anselmiana*, 40 (1956), 163–74.

23 Peter the Venerable, '*Liber contra sectam sive haeresim Saracenorum*', edited in J. Kritzeck, *Peter the Venerable and Islam* (Princeton, 1964), 231. See also the comments by B.Z. Kedar, *Crusade and Mission: European approaches to the Muslims* (Princeton, NJ, 1984), 99–103; J.V. Tolan, *Saracens: Islam in the medieval European imagination* (New York, 2002), 156–65.

24 Peter the Venerable, *The Letters of Peter the Venerable*, ed. G. Constable, 2 vols (Cambridge, MA, 1967), i, 332 no. 131; ii, 260–3.

25 William of Tyre referred to Otto as 'a man of letters', *Chronicon*, 760.

the half-brother of King Conrad III. Otto attended the Curia in November and December 1145, as *De civitatibus duabus* and papal documents relate.²⁶

Eugenius, Alberic, Guido, Theodwin, Peter, and Otto constituted a network of considerable gravitas. The variety of their backgrounds – comprising as they did Cistercians, Cluniacs, and Benedictines – was coupled with experience of regions that were either to be a target of the Second Crusade, such as the Holy Land, Spain, and Germany; and/or were to be major contributors to the Christian armies. With regard to the development of crusading under this group, it has been noted that most of them were at the 1135 Council of Pisa. This council had been summoned during the bitter schism between Innocent II and Anacletus (II) (1130–8) and issued decrees that elevated the struggle between the antipope and his supporter, Roger II of Sicily (1130–54), to the status of a holy war. Anyone who served or traded with the Sicilian or Anacletus was anathematized and to those who ‘set out against them by land or sea to free the Church, and labour faithfully in that service, the same remission was granted which Pope Urban decreed at the Council of Clermont for all who set out for Jerusalem to free the Christians’.²⁷ Housley observed that this equated to the indulgences offered by Urban II, although it is unknown whether Innocent’s decree was a formal call to a crusade with a vow and Cross-taking ceremony.²⁸ In any case, such a pronouncement reveals evolution and flexibility in crusading ideology and shows how the focus of a twelfth-century holy war could turn against targets other than Iberia or the Holy Land. By the time of the Second Crusade, therefore, Eugenius had almost certainly learned much about crusading and the frontiers of Christendom. This knowledge, coupled with the personnel around him, must have had some effect on the conception and content of *Quantum praedecessores* as well as the preaching and recruitment of the expedition. It was also a reason why Eugenius would be more receptive to broadening the scope of the crusade and helped him to respond to unfolding circumstances. To give an example, cordial relations between Alberic of Ostia and the senior figures of the Armenian Church hierarchy – initiated during the former’s legation to the Holy Land – almost certainly eased the reception given to the Armenian embassy to the West

26 *Duabus civitatibus*, 554–7; trans. C.C.Mierow, Otto of Freising, *The Two Cities* (New York, 1928), 439–44; *PL*, clxxx, 1066–7 no. 49.

27 D. Girgensohn, ‘Das Pisaner Konzil von 1135 in der Überlieferung des Pisaner Konzils von 1409’, in *Festschrift für Hermann Heimpel*, 3 vols (Göttingen, 1971–2) ii, 1099–100.

28 N. Housley, ‘Crusades against Christians: their origins and early development, c.1000–1216’, in *Crusade and Settlement: papers read at the First Conference of the Society for the Study of the Crusades and the Latin East and presented to R.C. Smail*, ed. P.W. Edbury (Cardiff, 1985), 23.

in late 1145.²⁹ According to Otto of Freising, the legates asked Eugenius to arbitrate over questions that included the proper way to celebrate the Eucharist and the correct date for keeping Christmas. Otto was pleased to report that they offered full subordination to Rome, although in doing so it is possible that the envoys simply recognized papal primacy of jurisdiction over such matters, rather than the loss of their Church's independence. In any event, the Armenians' decision to approach the papacy and the West was probably connected with fears over recent Byzantine advances in Cilician Armenia and the horrors of Zangī's spectacular capture of Edessa. From the papal perspective, the securing of some form of recognition from the Armenians – at the expense of the Greek Orthodox Church – may have contributed towards a desire to support the Eastern Christians as part of the new crusade.

Other contemporary events to note include, in May 1146, Eugenius's issue of a bull that granted the *pallium* to Archbishop Bernard of Tarragona in eastern Spain.³⁰ In doing so, the pope reissued a bull that dated back to Urban II and he also outlined a broad context of the Christian–Muslim struggle in Iberia.³¹ At this point, however, Eugenius seemed unwilling to initiate or endorse a new crusade in Iberia. For this to happen required leadership from lay rulers, as was to happen in 1147 with the campaign of King Alfonso VII of Castile at Almería.³²

The ongoing canonization of Emperor Henry II of Germany (1002–24) was another factor in the genesis of *Quantum praedecessores* and amongst Henry's virtues was his involvement in the Christianization of lands to the east. Otto of Freising was at the Curia to facilitate this process and the formal confirmation was issued on 14 March 1146.³³ Thus, alongside the dramatic news emerging from Edessa and the dispatch of bulls to Spain noted above, Eugenius had, in the canonization of Henry II, recognized the

29 J.P. Phillips, 'Armenia, Edessa and the Second Crusade', in *Knighthoods of Christ*, ed. N. Houlsley (Aldershot, 2007), 39–50.

30 *PU Spanien*, i, 322–4 no. 54; see also D.J. Smith, Ch. 8 below.

31 Gelasius II, 'Epistolae et privilegia', *PL*, clxiii, 489–91 no. 5, which referred to Urban II; Lucius II, *PU Spanien*, i, 320–2 no. 53. Eugenius also issued bulls offering the remission of one-seventh penance of sins to those who provided help for the Hospitallers in Jerusalem or the Templars in Spain, and a further document stressed the Templars' work defending the Church in the Orient. *PU Frankreich*, 91–2 no. 22; *PU Spanien*, ii, 360–1 no. 57.

32 Phillips, *The Second Crusade*, 251–6.

33 *PL*, clxxx, 1118–19 no. 93. For Henry's career see *Ottoman Germany: the Chronicon of Thietmar of Merseburg*, trans. D.A. Warner (Manchester, 2001); *Adalberti vita Heinrici II imperatoris*, *MGH SS*, iv, 792–814, at 798; *Gesta Frederici*, 280; trans.C.C. Mierow, Otto of Freising, *The Deeds of Frederick Barbarossa* (New York, 1953), 111.

deeds of a ruler who had succeeded in extending Christian lands against enemies of the faithful in a third region, which would soon be part of the crusade movement.

The fundamental purpose of *Quantum praedecessores* was to rouse the knights of France 'to oppose the multitude of infidels' and 'to save the Church of God'. Judging by the substantial armies that headed out to the Holy Land this was a remarkably effective piece of communication.³⁴ The strengths of *Quantum praedecessores* lay in the careful selection of imagery employed in the bull and the immense clarity of its key themes. Eugenius himself, together with his cardinals and colleagues, should be given credit for this. The authors knew that *Quantum praedecessores* was going to be at the heart of almost every crusade recruitment meeting and they were aware that it would be read out loud.³⁵ Whilst an individual preacher might add his own sermon and do much to stimulate a reaction from his audience, the concepts and images of the papal bull had to be accessible and inspirational to all. They also had to survive the process of translation from Latin into the appropriate vernacular.³⁶ Furthermore, given the scale of the commitment being required, clarity of message was vital because it would remove the possibility of misunderstanding what was on offer and could prevent the papacy from losing control over the campaign.

Six themes dominated *Quantum praedecessores*: first, the precedent of Pope Urban and the First Crusade; second, the image of fathers and sons, in other words a legacy handed down through generations; third, the offer of remission of all sins; fourth, the need to help the Eastern Church; fifth, the fact that Eugenius acted with divine authority; and sixth, an appeal to the sense of honour of the Christian knighthood of France.

From the beginning of the bull Eugenius placed the new campaign in a continuum with the First Crusade. He wrote that he had 'learned from what men of old have said and we have found written in their histories'.³⁷ Thus, his crusade appeal rested, in part, on a thorough investigation into the earlier expedition and its smaller successors. In other words, Eugenius had talked to elders, some of whom may have been living at the time of

34 On the size of the armies, see Phillips, *The Second Crusade*, 168–9.

35 See, for example, *Gesta Frederici*, 210, trans. Mierow 75; Nicholas of Clairvaux, 'Epistolae', *PL*, clxxxii, 671–2 no. 467.

36 The laborious nature of this process is revealed in *De expugnatione Lyxbonensi*, ed. and trans. C.W. David with a new foreword and bibliography by J.P. Phillips (New York, 2001), 68–71. The renegade Cistercian preacher Ralph used the abbot of Lobbes as his translator, *Gesta abbatum Lobbiensium*, *MGH SS*, xxi, 307–33, at 329.

37 *QP*, 90.

the First Crusade. The pope also wanted to convince his audience that he had consulted the relevant documents and narratives. In spite of the fifty-year period since the launch of the First Crusade, Eugenius linked the new expedition to the success, and thereby the divine approval, of that campaign. He outlined the achievement of the earlier crusades in liberating the Eastern Church and praised the French and the Italians for their involvement in this. He also described the pious motivation of the crusaders and noted their sacrifice and the blood they had shed to free Jerusalem.³⁸

One of the most remarkable legacies of the First Crusade was an efflorescence of historical writing that celebrated its triumph. Unlike more regional events, such as the Norman Conquest of England, the pan-European nature of the First Crusade and the shared faith of the Latin West subsumed customary local rivalries. This, coupled with the unmatched importance of its goal and its divinely endorsed outcome, meant that writers from across Europe chose to write a history of the crusade, a practice that continued through the first half of the twelfth century and beyond.³⁹ Eugenius plainly intended to tap into this precedent very deeply and he argued that on no account should the work of the 'fathers', that is, the First Crusaders and their successors, be wasted by 'the sons' who heard this present call. The pope also acknowledged the labours of those who had gone to the Levant to fight for short periods since the First Crusade. He recognized the efforts of those who had settled in the East and who had lost their lives trying to preserve the Christian hold on the Holy Places.⁴⁰ Eugenius thus appealed to the continuing tradition of crusading in many families.

The pope then explained the current crisis; a situation caused, he claimed, by the sins of those in both the West and the Levant. He recounted the fall of Edessa (1144) and emphasized its importance as the first city to have accepted Christianity. Edessa would have been familiar to people through its place in the history of the First Crusade and also its ties to important institutions in the West, such as Cluny.⁴¹ Eugenius brought immediacy to

38 *QP*, 90.

39 Phillips, *Second Crusade*, 17–36; B.C. Packard, 'The Memory of the First Crusade', unpublished PhD thesis, Royal Holloway, University of London, (2011); see also the papers in *Writing the Early Crusades: text, transmission and memory*, ed. M.G. Bull and D. Kempf (Woodbridge, 2014).

40 *QP*, 90.

41 *Duabus civitatibus*, 550, trans. 439–40; 'The Pilgrimage of Etheria', in *The Crusades: a reader*, ed. S.J. Allen and E. Amt (Peterborough, Ontario, 2003), 3–4; *Tractatus de reliquiis S. Stephani Cluniacum delatis*, Recueil des Historiens des Croisades: Historiens Occidentaux, v, 317–20; Hugh, archbishop of Edessa, 'Epistola', *PL*, clv, 477–80; G. Marlot, *Histoire de la ville, cité et université de Reims*, 4 vols (Reims, 1843–6), iii, 699 no. 19. Events at Edessa were mentioned frequently by writers such as Albert of Aachen, *Historia Ierosolimitana: history of the journey to Jerusalem*,

his narrative by describing the slaughter of the archbishop of Edessa, his clerics, and many Christians. The pope also noted that 'the relics of the saints have been trampled under the feet of the infidels' and dispersed'.⁴² The image of the infidel defaming such important objects was an emotive idea likely to provoke a response in Eugenius's audience.⁴³

The pope then moved to the core of his appeal: 'We recognize how great is the danger that threatens the Church of God and all Christianity because of this'. He transformed the impact of the loss of Edessa into a danger to the Church as a whole and thereby made events in the Levant relevant to Christians everywhere. It was imperative for people to act and the pope framed his call to perfection:

It will be seen as a great token of nobility and uprightness if those things acquired by the efforts of your fathers are vigorously defended by you, their good sons. But if, God forbid, it comes to pass differently, then the bravery of the fathers will have proved diminished in the sons.⁴⁴

These, the most powerful words of the bull, laid down a clear challenge to his audience, a challenge to prove themselves worthy of the efforts of their fathers and to preserve their own sense of honour. The concept of appealing to the deeds of fathers was not, however, something original to Eugenius or crusading. This was an age with a growing awareness of family histories and patrimony.⁴⁵ Twelfth-century historians of Normandy looked back to the conquests of England and Sicily.⁴⁶ In a crusading context, Gilo of Paris had written of the heroes of the First Crusade striving to equal and outdo 'the brave deeds of their fathers'.⁴⁷ Robert the Monk reported that Urban

ed. and trans. S.B. Edgington (Oxford, 2007) and Fulcher of Chartres, *Historia Hierosolymitana*, (1095–1127), ed. H. Hagenmeyer (Heidelberg, 1913).

42 *QP*, 91.

43 It had been used during the preaching of the First Crusade: Robert the Monk, *The Historia Hierosolimitana of Robert the Monk*, ed. D. Kempf and M.G. Bull (Woodbridge, 2013), 6–7; Fulcher of Chartres, *Historia Hierosolymitana*, 134–5; Baldric of Bourgueil, *The Historia Ierosolimitana of Baldric of Bourgueil*, ed. S. Biddlecombe (Woodbridge, 2014), 8–9.

44 *QP*, 91.

45 N.L. Paul, 'Crusade, Memory and Regional Politics in Twelfth-Century Amboise', *Journal of Medieval History*, 31 (2005), 127–41; idem, *To Follow in their Footsteps: the crusades and family memory in the High Middle Ages* (Ithaca, NY, 2012).

46 L. Shopkow, *History and Community: Norman historical writing in the eleventh and twelfth Centuries* (Washington DC, 1997), 96–117; N. Webber, *The Evolution of Norman Identity, 911–1154* (Woodbridge, 2005).

47 Gilo of Paris, *Historia vie Hierosolimitanae*, ed. and trans. C.W. Grocock and J.E. Siberry, OMT (Oxford, 1997), 3.

II employed a similar theme: 'O most valiant soldiers and descendants of victorious ancestors, do not fall short of, but be inspired by, the courage of your forefathers!'⁴⁸ The 'forebears' referred to here were Charlemagne and Louis whose armies had fought pagans. Eugenius followed this with a direct request – or almost a command – to help: 'And so in the Lord we impress upon, ask and order all of you ... to defend the Eastern Church ... and to deliver ... our captive brothers'⁴⁹

Of course, a crusader also needed a positive inducement to act: namely the offer of remission of sins. Constable and Hehl have shown that this represented an advance on Pope Urban's formulation of the remission of all penance and Eugenius included the 'absolution from temporal (i.e. divine) punishments of sin which, independent from the ecclesiastical penitential discipline, are inflicted by God for every sin'.⁵⁰ Riley-Smith has interpreted this to indicate that such an idea reflected the commonly held belief amongst western knights that blurred the distinction between remission of penance and remission of sins.⁵¹

At this point Eugenius targeted those best suited to accomplish his plan, namely 'the more powerful and the nobles'. Eugenius did not, however, explicitly ban others from taking part. The address to the nobles was followed by a repetition of the need to defend the Eastern Church, which, in turn, was reinforced by the call to help 'deliver from their hands the many thousands of our captive brothers'. This imperative to liberate Christians echoes another of Pope Urban's themes.⁵²

Eugenius then asked the knights to ensure that the spilling of their fathers' blood had not been in vain and that 'the dignity of the name of Christ may be enhanced in our time and your reputation for strength, which is praised throughout the world, may be kept unimpaired and unsullied'.⁵³ This constituted a third reference to the imagery of 'fathers' and 'sons' and, once again, harked back to the success of the First Crusade. A further dimension to this task was the responsibility of the knighthood of France.

48 Robert the Monk, *Historia Iherosolimitana*, 6.

49 *QP*, 91.

50 G. Constable, 'The Second Crusade as Seen by Contemporaries', *Traditio*, 9 (1953), 249; E.-D. Hehl, *Kirche und Krieg im 12. Jahrhundert. Studien zu kanonischem Recht und politischer Wirklichkeit*, Monographien zur Geschichte des Mittelalters, 19 (Stuttgart, 1980), 127–8.

51 J.S.C. Riley-Smith, *The First Crusade and the Idea of Crusading* (London, 1986), 27–9.

52 Urban II to Vallombrosa, *Papsturkunden in Florenz*, ed. W. Wiederhold (Göttingen, 1901), 313–14; Fulcher of Chartres, *Historia Hierosolymitana*, 133–5; Robert the Monk, *Historia Iherosolimitana*, 5–6.

53 *QP*, 91.

The 'Franks' were proud of their past and writers such as Robert the Monk wrote of the fame of the French as the First Crusaders: 'After all, are we not French? Did not our parents come from France and take this land for themselves by force of arms?'⁵⁴ Here, Eugenius gave contemporary knight-hood an opportunity to accomplish their own glorious deeds and to follow in the footsteps of their fathers.

To conclude his exhortation Eugenius cast the crusaders in biblical terms as he compared them to Mattathias of the Maccabees. This apocryphal Old Testament story featured a Jewish tribe that, against all odds, resisted the persecution of the Seleucid empire. The parallel between the struggle of the Maccabees against the Seleucids, and the Christians against the Muslims was particularly appropriate to the crusades and the story became heavily used in such a context.⁵⁵ In *Quantum praedecessores* Eugenius cited the sacrifices which Mattathias made to preserve what was believed to be right and showed that, with divine aid, he had triumphed. The pope also described fathers and sons working together in this struggle, yet another reference to this theme.

The final part of *Quantum praedecessores* provided a clear statement of the crusaders' privileges.⁵⁶ Some of this echoed earlier legislation; some clarified concerns to potential recruits, other sections set out new rules. Once again this whole passage was grounded in the precedents established by Pope Urban and his successors and was based on the authority granted to Eugenius by God. In measures such as the financing of the crusade there was a clear attempt to prevent some of the difficulties that had arisen during and after the First Crusade. Eugenius promised that the Church would protect the crusaders' immediate families and their property.⁵⁷ There is evidence that such legislation dated back to the First Crusade because a letter of Paschal II urged the churchmen of France to ensure that returning crusaders received back all their property 'as you will recall our predecessor, Urban

54 Robert the Monk, *Historia Iherosolimitana*, 15; see also the discussion in J.S.C. Riley-Smith, 'The First Crusade and St Peter', in *Outremer: studies in the history of the crusading kingdom of Jerusalem presented to Joshua Prawer*, ed. B.Z. Kedar, H.E. Mayer, and R.C. Smail (Jerusalem, 1982), 45–7.

55 Guibert of Nogent, *Dei gesta per Francos*, ed. R.B.C. Huygens, CCCM, 127A (Turnhout, 1996), 112–13; Fulcher of Chartres, *Historia Hierosolymitana*, 116–17, 589. See also, N.E. Morton, 'The Defence of the Holy Land and the Memory of the Maccabees', *Journal of Medieval History*, 30 (2010), 1–19, and on this history of the Maccabees and the texts, see *The Cambridge Companion to the Bible*, ed. B. Chilton, 2nd edn (Cambridge, 2008), 346–66.

56 *QP*, 91–2.

57 J.A. Brundage, 'Crusaders and Jurists: the legal consequences of crusader status', in *Le Concile de Clermont de 1095 et l'appel à la croisade*, ed. A. Vauchez (Rome, 1997), 140–8.

of blessed memory, ordained in a synodal declaration'.⁵⁸ The canonist Ivo of Chartres discussed a comparable situation in a complex legal case of 1106–7 and while this too made reference to the status of absent crusaders it seems that matters were not entirely clear until a decree was issued by the First Lateran Council in 1123. This stated that 'the houses and households and all of the property' of crusaders were under papal protection and that 'whoever shall presume to appropriate or make off with these things shall be penalized with the reprisal of excommunication'.⁵⁹ Eugenius stated explicitly that wives and children, goods and possessions were protected and that the local ecclesiastical hierarchy, as well as the pope, was responsible for providing and reinforcing this. Eugenius also forbade anyone from launching legal suits against crusaders, their immediate families and their lawfully held possessions from the time of their taking the Cross until 'certain knowledge of their return or death'.⁶⁰

The bull included a series of admonitions against fine clothes and the use of hawks and dogs, thus highlighting Eugenius's Cistercian background; the apparel of the secular knight so derided by Bernard in his *De laude novae militiae* c.1130 was deemed inappropriate for the pursuit of God's work.⁶¹ The pride and lasciviousness aroused by such accessories would undoubtedly distract the crusaders and incur God's disfavour. Such criticisms had been levelled at the crusaders in 1101 and this section may be a subtle reference to their failings.⁶² The second issue of *Quantum praedecessores* in March 1146 added an extra line that included strictures against 'multi-coloured clothes or minivers or gilded and silver arms', which merely followed the general themes outlined already.⁶³

The pope provided crusaders, and those acting on their behalf, immunity from usurious contracts. He tried to facilitate the financing of individuals' journeys by permitting them to raise money on their lands or possessions from churches or churchmen, 'or any other of the faithful without any

58 *Epistolae et chartae ad primi belli sacri spectantes: Die Kreuzzugsbriefe aus den Jahren 1088–1100*, ed. H. Hagenmeyer (Innsbruck, 1901), 174–5 no. 19.

59 Ivo of Chartres, 'Epistolae', *PL*, clxii, 170–4, 176–7; *Decrees of the Ecumenical Councils*, ed. and trans. N.J. Tanner (New York, 1991), i, 191–2; Robinson, *Papacy*, 336–8; Brundage, 'Crusaders and Jurists', 143–7; D. E. A. Park, *Papal Protection and the Crusader: Flanders, Champagne and the Kingdom of France, 1095–1222* (Woodbridge, 2018).

60 *QP*, 91.

61 Bernard of Clairvaux, 'Liber ad milites Templi de laude novae militiae', *Sancti Bernardi Opera*, ed. J. Leclercq and H. Rochais, 8 vols (Rome, 1955–77), iii, 212–39.

62 Fulcher of Chartres, *Historia Hierosolymitana*, 432–3; E. Siberry, *Criticism of Crusading, 1095–1274* (Oxford, 1985), 75–6.

63 *QP*, 92.

counterclaim, for otherwise they will not have the means to go', as long as they informed their neighbours or the lord from whom they held the property. This measure addressed the enormous cost of crusading and the problem of securing adequate funding before setting out. Here Eugenius opened out the possibilities for the devoted crusader should his family or overlord be unable or unwilling to offer support.⁶⁴

The concluding section of *Quantum praedecessores* repeated the heart of Eugenius's offer. In the fullest way yet – 'by the authority of omnipotent God and that of Blessed Peter the Prince of the Apostles conceded to us by God' – he again offered the remission and absolution of sins, as provided by Pope Urban. Eugenius made plain that this absolution was open only to those who had made full and contrite confession of all their sins and had either completed their journey or had died in the attempt.⁶⁵

Quantum praedecessores was sent first to Louis VII and his nobles and we are aware of its use in Brittany, Denmark, Bohemia, and Germany as well.⁶⁶ In addition, Eugenius is known to have written in a crusading context to the town of Tournai, to Count Thierry of Flanders, and to the people of England and it is likely that the bull formed part of this communication.⁶⁷ As will be seen later, the pope issued further bulls to areas such as Spain and northern Germany. The pervasive influence of *Quantum praedecessores* can be noted in other contemporary writings. The preaching of Bernard of Clairvaux was central to crusade recruitment and the abbot certainly employed his own themes rather than simply repeating the pope's message. Nonetheless, Bernard recalled 'how great a number of sinners have here confessed with tears and obtained pardon for their sins since the time when these holy precincts were cleansed of pagan filth by the swords of our fathers!'⁶⁸ Other references to *Quantum praedecessores* are evident in the anonymous trouvère song '*Chevalier, mult estes guariz*', a piece designed to encourage support for the expedition and dating from 1146–7.⁶⁹ This was

64 Robinson, *Papacy*, 337–40.

65 *QP*, 92.

66 Nicholas of Clairvaux, 'Epistolae', *PL*, clxxxii, 672 no. 467; Bernard, 'Epistolae', 434–7 no. 458; Otto of Freising, *Gesta Frederici*, 210–11, trans. Mierow, 75–6; for Denmark, see K.V. Jensen, 'Denmark and the Second Crusade: the formation of a crusader state?', in *Second Crusade*, ed. Phillips and Hoch, 164.

67 *Historia Tornacenenses partim ex Herimanni libris excerptae*, *MGH SS*, xiv, 345; *Historia gloriosi regis Ludovici filii Ludovici grossi*, in *Recueil des historiens des Gaules et de la France*, 25 vols (Paris, 1869–1904), xii, 126; Eugenius to the bishop of Salisbury, JL 8959.

68 Bernard, 'Epistolae', 312 no. 363.

69 *Les chansons de croisade avec leurs mélodies*, ed. J. Bédier and P. Aubry (Paris, 1909), 8–11. Translation by M. Routledge in J.P. Phillips, *The Crusades, 1095–1197* (London, 2002), 182–3.

originally composed in Old French and it is unknown whether the author listened to *Quantum praedecessores* in Latin and understood it, or whether he heard the bull translated into the vernacular during preaching sermons. Eugenius's bull can also be discerned in *De expugnatione Lyxbonensi*, a work originally written in late 1147.⁷⁰ Plainly many factors motivated crusaders and these varied across time and space, but the ideas put forward in *Quantum praedecessores* were highly appropriate to the target audience. The position of the pope as the head of the crusading movement and the sole figure with the authority to launch such an expedition gave this document an absolute centrality to the start of the campaign.

Political turmoil in Rome meant that Eugenius himself could not, at first, lead the crusade preaching and he delegated the task to Bernard.⁷¹ Eugenius did not, however, remain inactive and in October 1146 he issued *Divini dispensatione I* to the people and churchmen of northern Italy. This was a call to the warriors of the region to join the 'holy labour' of the crusade and included the various protection measures for crusaders and their families outlined in *Quantum praedecessores*. It is also reported that the pope urged the citizens of Genoa to take part in the crusade, an appeal connected with their ongoing campaign against the Muslims of Almería in southern Iberia.⁷²

While it is incontestable that Bernard's seven-month preaching tour of northern Europe was the most important means of delivering the crusade appeal, by early 1147 Eugenius too was on the road. He decided to head for Paris to attend the crusade preparations of Louis VII. Accompanied by Alberic of Ostia and Theodwin of Santa Rufina, Eugenius passed through Lucca and into northern Italy where he probably recruited Count Amadeus of Savoy.⁷³ Moving northwards he visited Cluny and then reached Dijon where he was met by King Louis on 30 March 1147. It was here that Eugenius learnt of Bernard of Clairvaux's decision to allow a group of German nobles

70 J.P. Phillips, 'Crusade and Holy War in *De expugnatione Lyxbonensi* (The Conquest of Lisbon)', in *The Holy Land, Holy Lands, and Christian History*, ed. R.N. Swanson, Studies in Church History, 36 (Woodbridge, 2000), 134–5.

71 Robinson, *Papacy*, 13–15; Horn, *Eugenius III*, 175–7. Odo of Deuil, *De profectione Ludovici VII in Orientem*, ed. and trans. V.G. Berry (New York, 1948), 8–9; *Duabus civitatibus*, 552–5, 558–9, trans. Mierow, 440–1, 444, gives an account of this period.

72 *Papsturkunden für Kirchen im Heiligen Lande*, Vorarbeiten zum Oriens Pontificius III, ed. R. Hiestand (Göttingen, 1985), 193–5 no. 63; Caffaro, *Caffari ystoria captionis Almarie et Turtuose ann. 1147 et 1148*, ed. L.T. Belgrano, Fonti per la Storia d'Italia, 11 (Rome, 1890), 79, translated in *Caffaro, Genoa and the twelfth-century crusades*, trans. M.A. Hall and J.P. Phillips, Crusade texts in translation 26 (Farnham, 2013), 127–8.

73 *Regesta comitum Sabaudiae*, ed. D. Carruti, Biblioteca storica italiana, 5 (Turin, 1889), 105–6 no. 294.

to fulfil their crusading vows by fighting the pagan Wends in north-eastern Europe.⁷⁴ These events are discussed elsewhere in this volume but it is noteworthy that Eugenius made no attempt to contradict or halt this initiative.⁷⁵ We have no evidence of papal anger at Bernard's actions even though it seems that the abbot had acted unilaterally and not sought his superior's blessing. Perhaps Eugenius approved of the move or else he realized the situation was a *fait accompli*. In fact, at Troyes, on 11 April 1147, the pope issued *Divini dispensatione II*.⁷⁶ This was a remarkable document because in affirming full crusade privileges for the Wendish Crusade it explicitly placed this new arena in parity with the Holy Land and Iberia, thereby giving the Second Crusade an unprecedented scope and suggesting the papacy's enormous confidence in this wave of Christian expansionism. The bull also mentioned the crusade in Spain which was probably a response to King Alfonso VII's actions at Almería. In the context of conflict with Muslims in Spain it is worth recalling Eugenius's background. Pisa had a strong tradition of crusading to the Holy Land, yet the city had also been fighting Muslims in the western Mediterranean for decades. As the *Carmen in victoria Pisanorum* recounts, Pisa and Genoa had co-operated in the capture of Mahdia in North Africa in 1087.⁷⁷ In 1113–15, in conjunction with the count of Barcelona, a substantial fleet attacked and conquered (temporarily, in the event) the Balearic Islands. As Purkis has shown, the main text for this event, the verse *Liber Maiolichinus*, put the episode in the context of a papally authorized war of liberation whose participants wore the sign of the Cross and anticipated spiritual rewards.⁷⁸ While this account did not look to the achievements of the Holy Land crusades for a parallel, it demonstrates that the idea of religious warfare against the Muslims of the Eastern Mediterranean was certainly present. The decrees of the First Lateran Council of 1123 brought parity between the privileges offered to the Levant and Iberia. On this basis, Eugenius's Pisan origins provide a greater logic to his support for the Iberian branch of the Second Crusade.

From Troyes the pope travelled, via Clairvaux, to Paris where he spent over two months. As Louis VII and his nobles readied themselves to depart, Eugenius, as the man who had launched and authorized the campaign, was

74 *Gesta Frederici*, 210–13, trans. 75–8; Bernard, 'Epistolae', 433 no. 457.

75 See Fønnesberg-Schmidt, 'Eugenius III and the Northern Crusade', Ch. 5, below, and eadem, *The Popes and the Baltic Crusades, 1147–1254* (Leiden, 2007), 29–39.

76 *PL*, clxxx, 1203–4 no. 166.

77 H.E.J. Cowdrey, 'The Mahdia Campaign of 1087', *English Historical Review*, 92 (1977), 1–29.

78 W.J. Purkis, *Crusading Spirituality in the Holy Land and Iberia, c.1095–c.1187* (Woodbridge, 2008), 165–70.

frequently at the centre of important public rituals. Most prominent of all was the highly stage-managed scene at the abbey of Saint-Denis in June, just before the king set out. Senior religious and political figures such as Bernard of Clairvaux, Suger, Louis, and Queen Eleanor, as well as Eugenius himself, were gathered there. With huge crowds outside the church, Louis requested the *vexillum*, a vermillion banner equated with Charlemagne's banner, the symbol of military protection and success in the kingdom of France. Then, inside the church, Eugenius bestowed upon the king a blessing and the traditional pilgrim's scrip or wallet to dispatch him on his holy endeavour.⁷⁹ It was a fitting and emotionally charged send-off for the French monarch.

While in Paris, Eugenius also continued his normal duties as pope. The novelty of his presence, coinciding with the imminent departure of the crusade, produced a flurry of visitors determined to have privileges confirmed or judgments made in their favour.⁸⁰ Eugenius also had to engage with the diplomacy needed to facilitate the campaign. For example, he exchanged letters with Emperor Manuel Komnenos when the latter asked the pope to convince the crusaders to swear homage to him as the First Crusaders had done to Alexios I. A letter of March 1147 probably reached Eugenius in Paris when the emperor withdrew the demand for homage but sent a list (now lost) of lands to be returned to him if the crusade conquered them; he also asked the pope to send a cardinal with the crusaders to ensure their good behaviour. Manuel professed enthusiasm for the venture and expressed strong sentiments of Christian brotherhood.⁸¹ Recent decades had seen a mixture of cordial meetings and hostile exchanges between Catholics and Orthodox and Eugenius may have seen the crusade as an opportunity to form closer ties with the Greeks. He appointed Bishop Henry of Moravia to engage with the issue and to urge Conrad of Germany 'to strive for the honour and exaltation of his holy mother the Roman Church and that he may work faithfully to join to her the Church of Constantinople in the way that it was known once to have been'.⁸² In the event Bishop Henry became involved with the Wendish crusade and because Manuel concluded a treaty with the Seljuk Turks of Anatolia in 1147 Eugenius's optimism would have seemed misplaced.

The issue of Conrad's participation in the Second Crusade is a controversial one, not least from Eugenius's perspective. As I have argued elsewhere

79 Odo of Deuil, *De profectione Ludovici*, 14–19.

80 Horn, *Eugens III*, 246–54, 274–6.

81 Phillips, *Second Crusade*, 120–2.

82 *PL*, clxxx, 1251–2 no. 204, at 1252.

it seems logical that if Bernard was preaching in Germany then it was likely that the king would take the Cross.⁸³ Conrad's hesitation in doing so was prompted by concern over the condition of his own lands which, as Otto of Freising had noted in December 1145, were plagued by 'the whirlwind of war'.⁸⁴ Reports circulated of troubles in Bavaria, Swabia, Regensburg, and Namur, as well as possible conflict with Hungary. No less than four papal legations strove to restore peace to Germany and the work of these missions, as well as Bernard himself, brought a measure of order. When the king's main rival, Welf of Bavaria, took the cross in December, Conrad was finally able to commit himself as well.⁸⁵ As the king wrote later, he had set out 'at the advice and urging of the most holy Pope Eugenius and the lord Bernard', in other words, Conrad ascribed the initiative for this decision to the papacy. In turn, Eugenius lavished praise on Conrad when he wrote to his young son, Henry (who was under papal protection), during the crusade.⁸⁶

Once the main armies had left for the Holy Land Eugenius continued his customary duties and presided over the Council of Reims in March 1148. This assembly was mainly concerned with issues of ecclesiastical orthodoxy although it is pertinent to note that the pope established peace between Count Baldwin of Hainault and Countess Sibylla of Flanders. Baldwin had tried to invade Flanders, attacking the lands of a man (Count Thierry) who was absent on crusade and therefore under the ecclesiastical protection promised in *Quantum praedecessores*.⁸⁷

In spite of the enormous optimism created by crusade preachers the expedition to the Holy Land proved a disaster. Both the Germans and the French endured traumatic journeys through Asia Minor and suffered heavy defeats at the hands of the Seljuk Turks in October 1147 and January 1148 respectively. The crusaders decided to abandon their original plan of recovering Edessa and in the summer of 1148 attempted to take the major Muslim city of Damascus. Within a few days the approach of substantial relief armies from the north forced an ignominious retreat and the crusade broke up amidst immense acrimony and disappointment.⁸⁸ While some of

83 Phillips, *Second Crusade*, 91–6, 129–31.

84 *Duabus civitatibus*, 558–9, trans. Mierow, 444–5; *Gesta Frederici*, 188–9, trans. 63–6.

85 A letter from Conrad stated that he had acted without Eugenius's knowledge, and it seems to refer to a statement of fact rather than responding to a critical comment, as some writers have argued. See H. Cosack, 'Konrads III. Entschluss zum Kreuzzug', *MIÖG*, 35 (1914), 278–96.

86 Conrad III, *Urkunden*, 358 no. 198; *PL*, clxxx, 1299–1300 no. 245.

87 *JS HistPont*, 4–43; Robinson, *Papacy*, 121; Lambert of Wattrelos, *Annales Cameracenses*, *MGH SS*, xvi, 509–55, at 516–17; Park, "Those Who Stayed Behind" (above, n. 59)

88 Phillips, *Second Crusade*, 168–227.

this ill-feeling was directed at the settlers in the Levant and the Greeks, the papacy – having raised hopes so high – was also condemned.

John of Salisbury wrote that the crusade had done 'irreparable harm to the Christian faith'.⁸⁹ The *Chronicle of Morigny* mocked it as having achieved 'nothing useful or worth repeating'.⁹⁰ The crusading army's legates were accused of failing to provide proper leadership; Guy of San Crisogono was the official legate to Louis's forces, but this shy man, who spoke little French, was not up to the task. The more forceful Bishop Arnulf of Lisieux and Bishop Godfrey of Langres vied for status and John of Salisbury wrote that the competition between these men harmed the cause of the Christian army.⁹¹ The individuals concerned bear much of the responsibility for this state of affairs, although so should Eugenius for appointing them in the first instance. Bernard himself was criticized heavily and he explained the disaster as a result of the sins of man and the judgment of the Lord, rather than identifying particular individuals, or groups, as culpable.⁹² He also wrote *De consideratione*, a book of advice to the pope that emphasized God's mysterious ways and His merciful judgments concerning the crusade.⁹³

The outcome of the campaign seems to have damaged the standing of the papacy. Hiestand revealed a sharp reduction in output of letters from the papal chancery: 152 from March to December 1145, 193 in 1146, 260 in 1147, 223 in 1148, yet just 62 in 1149, 81 in 1150, 104 in 1151, 157 in 1152. From around 250 between the spring of 1147 and the spring of 1148, the number fell to one-quarter of that total in 1149.⁹⁴ While the imminent departure of a crusade, coupled with the rarity of a papal visit to northern Europe, may have caused an unusual increase in business these figures may well mark a decline in papal authority.

The failure of the crusade to the Holy Land was a tremendous spur to the Muslims of the Near East and Nur ad-Din's victory at the Battle of Inab (June 1149) saw the death of Prince Raymond of Antioch. The settlers in the Levant appealed to the pope and to King Louis for help. Eugenius, Bernard of Clairvaux, Peter the Venerable, and Abbot Suger tried to generate a response but to no avail. The damage to morale in the West and the heavy

89 JS *HistPont*, 11–12.

90 *La Chronique de Morigny (1095–1152)*, ed. L. Mirot (Paris, 1909), 85.

91 JS *HistPont*, 55.

92 G. Constable, 'A Report of a Lost Sermon by St Bernard on the Failure of the Second Crusade', in *Studies in Medieval Cistercian History presented to J.F.O'Sullivan*, ed. J.F. O'Callaghan, Cistercian Studies Series, 13 (Spencer, MA, 1971), 49–54.

93 Bernard, 'De consideratione', 410–13 (ii.1); Siberry, *Criticism of Crusading*, 79–80.

94 Hiestand, 'Papacy and the Second Crusade', in *Second Crusade*, ed. Phillips and Hoch, 46–7.

financial cost of crusading meant there was little enthusiasm for such a venture.⁹⁵ Eugenius was initially positive about the idea but by late April 1150 he expressed caution lest the expedition prove as costly as 'the outpouring of blood' that had just taken place on the crusade.⁹⁶ Bernard clearly took a different view and when Eugenius would not respond the abbot wrote in the harshest terms:

You hold the position of Peter, and you ought also to have his zeal. What could we think of one who held the primacy but neglected the responsibility? We hear the voice crying: 'I go to Jerusalem to be crucified a second time'. Although some may be indifferent to this voice and others may be deaf to it, the successor of St Peter cannot ignore it ... If you love Christ as you should, with all your heart, with all your soul, and with all your strength; if you love him with that threefold love about which your predecessor was questioned, then you will have no reservations, you will leave nothing undone while his bride is in such great danger, but rather you will devote to her all your strength, all your zeal, all your care and all your power.⁹⁷

Yet Eugenius did not act and for the time being the Holy Land had to fend for itself.

The legacy of *Quantum praedecessores* would prove considerable. In 1165, Pope Alexander III chose to base the bulk of his crusade call on *Quantum praedecessores*, and the following year his next entreaty to help the Holy Land also borrowed significantly from the older text.⁹⁸ We can still see the influence of *Quantum praedecessores* in Alexander's 1169 *Inter omnia*, and more distantly in his 1181 *Cor nostrum*, reissued in 1184/5 by Lucius III.⁹⁹

95 Phillips, *Defenders of the Holy Land*, 100–18; T. Reuter, 'The Non-Crusade of 1150', in *Second Crusade*, ed. Phillips and Hoch, 150–63; G. Constable, 'The Crusading Project of 1150', in *Montjoie: studies in crusade history in honour of Hans Eberhard Mayer*, ed. B.Z. Kedar, J.S.C. Riley-Smith and R. Hiestand (Aldershot, 1997), 67–75.

96 *PL*, clxxx, 1414–15 no. 382.

97 Bernard, 'Epistolae', 164 no. 256.

98 For the subsequent history of the bull see Phillips, *Defenders of the Holy Land*, 148–50, 153, 188, 256; J.G. Rowe, 'Alexander III and the Jerusalem Crusade: an overview of problems and failures', in *Crusaders and Muslims in Twelfth Century Syria*, ed. M. Shatzmiller (Leiden, 1993), 118–26. Alexander III, 'Epistolae et privilegia', *PL*, cc, 384–6 no. 360; *Papsturkunden für Templer und Johanniter*, ed. R. Hiestand, *Abhandlungen der Akademie der Wissenschaften in Göttingen. Phil.-Hist. Klasse, 3rd Series*, 77 (Göttingen, 1972), 251–3 no. 53; Park, "Those Who Stayed Behind", (above, n. 59.)

99 Alexander III, 'Epistolae', *PL*, cc, 599–601 no. 626 (*Cor nostrum* was issued in two slightly different versions in 1181); 1294–7 no. 1504; *Papsturkunden in Sizilien*, ed. P. Kehr (Göttingen, 1899), 329–30 no. 26.

Soon afterwards Gregory VIII's *Audita tremendi*, launched in the shocked aftermath of the Battle of Hattin (4 July 1187), included passages taken from *Quantum praedecessores*.¹⁰⁰ The content of Eugenius's work represented, therefore, a landmark in the development of crusading. It was a drawing together and a clarification of ideas and privileges, some of which had been expressed before, but did not survive in a formal document and, to Eugenius's contemporaries and successors, were best combined in *Quantum praedecessores*.

In conclusion, Eugenius should not be regarded as a passive figure. The pope and his court formulated one of the most influential papal appeals in history and, in so doing, Eugenius was, in significant part, responsible for one of the most successful crusades of all – in terms of recruitment, at least. He also confirmed the extension of crusading privileges to holy war in northern Europe and, in *Divini dispensatione II*, he showed unprecedented confidence in the scope and power of crusading in the middle of the twelfth century.

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100 Gregory VIII, 'Audita tremendi', in Ansbert, 'Historia de expeditione Friderici imperatoris: Quellen zur Geschichte des Kreuzzugs Kaiser Freidrichs I', ed. A. Chroust, *MGH SRG*, NS, v, 10.

5. Eugenius III and the Northern Crusade

Iben Fonnesberg-Schmidt

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Abstract

The Second Crusade, of which the Wendish Crusade against the pagan Slavs formed a vital part, was envisioned as a three-pronged attack on the enemies of Christendom. In his letter, *Divini dispensatione*, Eugenius acknowledged the redemptive power of the crusade and revealed his concerns for the motivation of crusaders. He linked this crusade in the North not only to the crusade to the Holy Land but also to the warfare between Christians and Muslims on the Iberian peninsula. Rather than presenting a view of the three campaigns as separate albeit contemporary efforts, he stressed that all three must be understood as a joint ‘storm against the infidels’. In this way Eugenius significantly reinterpreted the entire crusading effort for his successors.

Keywords: Wends; Wendish Crusade; Second Crusade; Bernard of Clairvaux; Anselm of Havelberg

In March 1147 a Diet met in Frankfurt. It had been called by King Conrad III of Germany (1138–52) who recently had taken the Cross to go to the Holy Land and now wished to settle his affairs before his departure. The assembly was attended by the princes and bishops of the realm, a papal legate, and Abbot Bernard of Clairvaux (†1153), who had been entrusted with the recruitment for the crusade to the East. The grand occasion provided an opportunity for enlisting more crusaders from the German lands, but some nobles from northern Germany did not heed Bernard’s appeals. Instead they asked to take up arms against their pagan neighbours, the Slavs. In a letter written shortly afterwards, Bernard recounted the events at Frankfurt and wrote that now:

the might of Christians is being armed against [the pagans], and that for the complete wiping out or assuredly the conversion of these peoples, they

have put on the sign of our salvation; and we promised them the same indulgence for sin as [that granted] to those who set out towards Jerusalem.¹

Soon after the meeting Pope Eugenius III issued a letter endorsing the campaign,² and in the summer of 1147 the so-called Wendish Crusade set out.

The Wendish expedition was well known to the historians of the late nineteenth and early twentieth centuries who worked on the political history of the lands in north-eastern Europe as well as to those who made the German *Ostmission* their subject.³ Following the terminology of twelfth-century chroniclers such as Otto of Freising and Saxo, who wrote of the Saxons and the Danes taking up the Cross,⁴ these scholars recognized it as a 'crusade' without engaging in distinctions between crusades depending on geography, spiritual merit, or instigators. In contrast, the crusade historians of that period did not pay much attention to the Wendish Crusade. In 1866 Bernhard Kugler published his *Studien zur Geschichte des Zweiten Kreuzzuges*, which was the first – and until recently the only – major monograph on the Second Crusade. However Kugler only allocated half a page (out of more than 220 pages) to the Wendish campaign.⁵ He regarded it as a 'förmlichen Kreuzzug' but did not attempt to explain to what extent it was perceived by contemporaries as being linked to the crusade in aid of the Holy Land.

The Wendish campaign was brought firmly to the attention of modern crusade historians by Giles Constable, who in 1953 published 'The Second Crusade as Seen by Contemporaries', in which he discussed the interplay between the Wendish campaign and the other expeditions making up the Second Crusade.⁶ Constable argued that while Eugenius III had had no hand

1 Bernard, 'Epistolae', viii, 432–3 no. 457, at 433; translation adapted from Bernard, *Letters*, 466–8 no. 394, at 467.

2 *PL*, clxxx, 1203–4 no. 166; see more on this letter below.

3 See for instance W. Bernhardi, *Konrad III.*, 2 vols (Leipzig, 1883), ii, 563; J. Steenstrup, *Danmarks Riges Historie*, Bind 1: *Oldtiden og den ældre Middelalder* (Copenhagen, 1896), 568; C. Schuchhardt, *Vorgeschichte von Deutschland*, (Berlin, 1928), 318; E. Arup, *Danmarks Historie*, 3 vols (Copenhagen, 1925–55), i, 210; H. Koch, *Den Danske Kirkes Historie*, Bind 1: *Den ældre Middelalder indtil 1241* (Copenhagen, 1950), 148; H. Beumann, 'Kreuzzugsgedanke und Ostpolitik in höhen Mittelalter', *Historische Jahrbücher*, 72 (1953), 112–32; H.-D. Kahl, 'Zum Geist der deutschen Slawenmission des Hochmittelalters', *Zeitschrift für Ostforschung*, 2 (1953), 1–14.

4 *Gesta Frederici*, 212 (i.43); Saxo Grammaticus, *Gesta Danorum: the history of the Danes*, ed. K. Friis-Jensen, trans. P. Fisher, OMT, 2 vols (Oxford, 2015), ii, 1000 (xiv.3.5); see also Helmold of Bosau, *Chronica Slavorum*, ed. B. Schmeidler, trans. H. Stoob (Darmstadt, 1983), 216 (i.59).

5 B. Kugler, *Studien zur Geschichte des zweiten Kreuzzugs* (Stuttgart, 1866), 100–1. The Wendish Crusade fared little better in his *Geschichte der Kreuzzüge* (Berlin, 1891), 154–5.

6 G. Constable, 'The Second Crusade as Seen by Contemporaries', *Traditio*, 9 (1953), 213–79. Steven Runciman who published his three-volume work on the crusades around the time when

in the initiation of the Wendish Crusade, he 'lost no time in incorporating this energy into the wider effort' and that the three campaigns of the Second Crusade thus should be seen, as its contemporaries did, as part of one co-ordinated venture.⁷ Constable's interpretation soon became dominant, and his influence can be seen for instance in Virginia G. Berry's contribution (1969) on the Second Crusade to Setton's *A History of the Crusades*.⁸ Constable's interpretation thus pushed forward the discussion among crusade historians about the character of crusades and the idea of a 'pluralist' definition of crusades.

More recently the Wendish Crusade has been the subject of a number of debates on, among other issues, the role of Bernard of Clairvaux, Bernard's interpretation of the venture, and whether Bernard and Eugenius had conceived a plan for the venture or merely reacted to events as they unfolded. This essay agrees with the generally accepted view that Bernard provided the central input but not impetus in the formulation of the armed expedition against the Slavs⁹ and furthermore subscribes to the view that both Bernard and Eugenius were reactive rather than proactive.¹⁰ This does not mean, however, that Eugenius did not form his own perception of the venture. This article will not only summarize how the Wendish Crusade came about, but also explore how Eugenius responded to the idea of a crusade against the Slavs, and finally consider some possible inspirations behind his view of the campaign. Among the main themes will be the role of conversion in the Wendish expedition as well as the similarities and differences between the views of Eugenius and Bernard of Clairvaux.

The fall of Edessa and the papal response

On Christmas Eve 1144 'Imād-al-Dīn Zangī (†1146), ruler of Aleppo and Mosul, captured the city of Edessa, the principal town in the Frankish

Constable brought out his article, barely mentioned the Wendish crusade, see Runciman, *A History of the Crusades*, 3 vols (Cambridge, 1951–4), ii, 256.

7 Constable, 'The Second Crusade', 257.

8 V.G. Berry, 'The Second Crusade', in *A History of the Crusades*, ed. K.M. Setton, 6 vols (Madison, Wisc., 1955–89), i, 463–512, at 479.

9 See for instance R. Hiestand, 'The Papacy and the Second Crusade', in *Second Crusade*, ed. Phillips and Hoch, 32–53, at 37.

10 Constable argues for a plan ('The Second Crusade', 265 and 276), while Jonathan Phillips dismisses this in *The Second Crusade: extending the frontiers of Christendom* (New Haven/London, 2007), xxvii.

County of Edessa. Envoys from the Latin Christian settlements in the East travelled to the West to appeal for help, focusing their efforts on King Louis VII of France (1137–80) and the papal Curia, and the autumn of 1145 saw several messengers from the East visiting Pope Eugenius in Viterbo where he had taken residence after fleeing from Rome immediately after his election.¹¹ Eventually, at Vetralla on 1 December 1145, Eugenius and his advisors issued the letter *Quantum praedecessores* which called upon King Louis and his subjects to come to the aid of the settlers.¹²

On 1 March 1146 Eugenius reissued *Quantum praedecessores*, with very minor changes, in preparation for a meeting organized by King Louis at Easter at which Louis (after a failed attempt at his Christmas court at Bourges) intended to launch his crusade in aid of the East.¹³ At the same time Eugenius commissioned Bernard of Clairvaux to preach the crusade.¹⁴ While *Quantum praedecessores* was addressed to King Louis and his subjects, neither Eugenius nor Bernard intended the crusade to be exclusively French. *Quantum praedecessores* reached other European rulers, partly through the efforts of Bernard,¹⁵ and Eugenius may well have composed other appeals. He certainly sent a letter urging the Italian clergy to exhort their congregations to join the crusade. This letter, *Divini dispensatione* of 5 October 1146, sums up Eugenius's understanding of the venture at the

11 For the approach of the legates from the Latin East and the initial involvement of the papacy after the fall of Edessa, see Hiestand, 'The Papacy', 35–6, and J. Phillips, *Defenders of the Holy Land: relations between the Latin East and the West*, 119–1187 (Oxford, 1996), 73–9.

12 PL, clxxx, 1064–6 no. 48. For detailed analyses of this letter, see particularly Hiestand, 'The Papacy', 36–7, and Phillips, *Second Crusade*, 37–61. For its date, see P. Montaubin, 'Eugenius III and France: the protected protector', Ch. 7, below, note 35. For a discussion of the time delay between the fall of Edessa and the issue of the papal call, see Phillips, *Second Crusade*, 38–9. For the structure of twelfth-century crusade appeals and the innovations made by Eugenius III, see U. Schwerin, *Die Aufrufe der Päpste zur Befreiung des Heiligen Landes von den Anfängen bis zum Ausgang Innocenz IV.* (Berlin, 1937), and Hiestand, 'The Papacy', 36.

13 The letter is printed in R. Grosse, 'Überlegungen zum Kreuzzugsaufruf Eugens III. von 1145/46', *Francia*, 18/1 (1991), 85–92. It has long been discussed whether the initiative for the Second Crusade to the East lay with Eugenius or with Louis; for a recent summary of this discussion, see Phillips, *Second Crusade*, 62–6.

14 *Gesta Frederici*, 200 (1.36); a letter from Ghent from 14 August [1146] refers to Bernard as 'ex Francia advenerat predicaturus Crucem contra Saracenos in Brabantia et Flandria, ex mandato Eugenii pape' (*De oorkonden der graven van Vlaanderen (Juli 1128–September 1191)*, II. *Uitgave: Band I*, ed. T. de Hemptinne and A. Verhulst (Brussels, 1988), 150 no. 90; see also Bernard, 'Epistolae', viii, 432–3 no. 457, at 433.

15 For the crusade appeals composed by Bernard and his secretaries, see Constable, 'The Second Crusade', 245–6 with notes 170–1. Some of these were accompanied by a copy of one of Eugenius's letters (see for instance Bernard, 'Epistolae', viii, 434–7 no. 458, and PL, clxxxii, 671–2 no. 467).

time. Here he briefly made it clear that the purpose of the expedition was the liberation of the Eastern Church and the fight against the enemies of the Cross of Christ and expressed his enthusiasm to see Italian princes and nobles join their French peers in this work. He described at length the spiritual and temporal privileges granted to crusaders (including papal protection of their families and property and a moratorium on debts) which he exhorted the Italian clergy to announce to their congregations in order to facilitate potential crusaders' decision-making and calm the worries of their wives.¹⁶

Meanwhile Bernard had taken his recruitment campaign to King Louis's Easter assembly at Vézelay in Burgundy in late March 1146, where the king took the Cross along with many nobles from his kingdom. Bernard then moved on to Flanders and, in October 1146, to Germany.¹⁷ In November he met King Conrad III who would have been well-informed about the attempts to raise a crusading army in aid of the Holy Land: his half-brother, Bishop Otto of Freising, had been at the papal Curia when the matter was discussed in November and December 1145, and Conrad had probably been visited by embassies from the crusader states; perhaps by Bishop Hugh of Jabala, in the Principality of Antioch, who had been at the Curia at Viterbo in autumn 1145 and afterwards intended to visit Conrad.¹⁸ Conrad did not, however, take the Cross. In December 1146 Bernard visited Conrad again, namely at Speyer where the king held his Christmas court and where he took the Cross on 28 December along with many nobles.¹⁹ Meanwhile, Conrad's

16 'Papsturkunden in Malta', ed. P. Kehr, in *Nachrichten von der Königlichen Gesellschaft der Wissenschaften zu Göttingen. Philologisch-historische Klasse* (1899), 388–90 no. 3.

17 For events at Vézelay, see Odo of Deuil, *De profectione Ludovici VII in Orientem*, ed. and trans. V.G. Berry (New York, 1948), 6; *Gesta Frederici*, 206 (i.38); *La Chronique de Morigny (1095–1152)*, ed. L. Mirot (Paris, 1909), 85–6. For Bernard's recruitment campaign in France and Germany, see *Gesta Frederici*, 38–45, 206–16; 'Vita Prima S. Bernardi', *PL*, clxxxv, 373–81. A useful discussion of this can be found in Phillips, *Second Crusade*, 80–98.

18 For the meeting between Bernard and Conrad, see Helmold of Bosau, *Chronica Slavorum*, 214 (i.59); 'Vita Prima S. Bernardi', *PL*, clxxxv, 373. For Hugh of Jabala, see *Duabus civitatibus*, 556 (vii.33). Conrad had visited the Holy Land in 1124/5; see Ekkehard of Aura, *Chronicon universale*, ed. G.H. Pertz, *MGH SS*, vi, 33–265, at 262 (s.a.1124) and the discussion of the validity of the information in G.A. Loud, 'Some Reflections on the Failure of the Second Crusade', *Crusades*, 4 (2005), 1–14, at 4–5.

19 *Gesta Frederici*, 208 (i.41); 'Vita Prima S. Bernardi', *PL*, clxxxv, 381. For the debate on Eugenius's view of Conrad's involvement in the crusade, see Bernhardt, *Konrad III.*, ii, 550; H. Cosack, 'Konrad III. Entschluß zum Kreuzzug', *Mittheilungen des Instituts für Österreichisches Geschichtsforschung*, 35 (1914), 278–96, at 283–8; J. Phillips, 'Papacy, Empire and the Second Crusade', in *Second Crusade*, ed. Phillips and Hoch, 15–31, esp. 20–7; as well as the summaries and arguments in Loud, 'Some Reflections', 3–6, and Phillips, *Second Crusade*, 129–31.

opponent from the Welf family, Welf VI (†1191), took the Cross along with several supporters at his estate in Peiting in Bavaria.²⁰

The crusade and the German lands in the autumn of 1146 and winter of 1147

The crusade to the East was thus much debated among the German nobles in the autumn and winter of 1146–7. A general council in Regensburg in Bavaria in February 1147 provided more recruits – including Otto of Freising – and so by mid-winter 1147 many nobles from across the German empire and across the Hohenstaufen–Welf divide had taken the Cross.²¹

The following month saw the *Reichstag* at Frankfurt, which took place between 11 and 30 March. It had been called by Conrad III in order to settle the affairs of his kingdom before his departure to the Holy Land. Several arrangements concerning the government of his kingdom were made: a general peace was decreed for the empire, binding both Welf and Hohenstaufen supporters, and Conrad ensured that his son, the ten-year old Henry, was chosen as his successor; he was to be crowned in Aachen at the end of the month, mirroring his father's coronation in March 1138.²² The meeting was attended by the papal legate, Theodwin, cardinal bishop of Santa Rufina (†1153), and a great many secular and ecclesiastical leaders, including Abbot Wibald of Corvey (†1158), Bishop Anselm of Havelberg (†1158), and Bishop Bucco of Worms (†1149).²³

Bernard of Clairvaux was also at the Diet.²⁴ He found himself faced by a group of nobles who wished to crusade not against the Muslims in the Holy Land but against the Slavs living beyond the River Elbe. We do not know exactly who proposed this. Otto of Freising states that it was the

20 Otto of Freising, *Gesta Frederici*, 210 (i.43).

21 Ibid., 210 (i.43).

22 Conrad III, *Urkunden*, 332–3 no. 184; also in Wibald, 'Epistolae', *Bibliotheca Rerum Germanicarum*, ed. P. Jaffé, 6 vols (Berlin, 1864–73), i, 111–12 no. 33; *Gesta Frederici*, 216 (i.46).

23 Wibald in Frankfurt: 'Chronographus Corbeiensis', *Bibliotheca rerum Germanicarum*, ed. P. Jaffé, 6 vols, Monumenta Corbeiensis (Berlin, 1864–73), i, 58. Bucco and Anselm in Frankfurt: Conrad III, *Urkunden*, 320–1 no. 178, and 328–30 no. 182. For the participants in the Diet, see Bernhardt, *Konrad III.*, i, 545–6. For Theodwin and his extensive experience with German affairs, see Phillips, *Second Crusade*, 42 and 129–30 and idem, 'Pope Eugenius III and the Crusades to the East', above, Ch. 4.

24 The main sources for the meeting at Frankfurt are a letter by Bernard of Clairvaux issued shortly afterwards (Bernard, 'Epistolae', viii, 432–3 no. 457); Conrad's letters written during the Council (Conrad III, *Urkunden*, 320–1 no. 178 and 332–3 no. 184 (the latter also in Wibald, 'Epistolae', 111–12 no. 33); and a brief reference in *Gesta Frederici*, 212 (i.43).

Saxons, and the suggestion may well have been supported by Duke Henry the Lion of Saxony (1142–95) as well as Count Albert the Bear of Brandenburg (1123–70), both of whom were at the Diet and later led their armies on the Wendish Crusade.²⁵ However, the idea is likely to have been fermenting during the previous autumn and winter when the crusade to the Holy Land was debated throughout the German lands.

Relations between Christians and non-Christians in north-eastern Europe were diverse and multifaceted.²⁶ In the late eighth century the Frankish rulers waged a series of campaigns against their non-Christian Saxon neighbours, which eventually resulted in the Saxons' defeat and their inclusion in the Frankish political and ecclesiastical system.²⁷ In the middle of the tenth century King Otto I of Germany (936–73) took the expansion across the Elbe, targeting the Slavs who lived in the region between the rivers Elbe and Saale in the west, the rivers Oder and Bober (Bóbr) in the east, the Baltic Sea in the north, and the Ore Mountains (Krušné Hory, Erzgebirge) in the south. The region was inhabited by three sub-groups of the Baltic and Elbe Slavs, the so-called Wends, namely the Abodrites in the north-west, the Wilzes (later Liutizi) in the north-east and central part, and the Sorbs in the south. Christianization was a central part of Otto's expansionist *Ostmission* and this was soon backed up by the establishment of a number of bishoprics and archbishoprics.²⁸ The Ottonian programme of religious and political expansion affected lands beyond those of the Wends, as other pagan leaders accepted Christianity and became German allies, partly in an attempt to curb German intrusion into their affairs. Among

25 *Gesta Frederici*, 212 (i.43). For the presence of Henry and Albert, see Conrad III, *Urkunden*, 319–21 nos 177–8 and 328–31 nos 182–3. Some scholars have argued that the crusade against the Slavs was instigated by Bernard, thus H.-D. Kahl, 'Crusade Eschatology as Seen by St. Bernard in the Years 1146–1148', in *Second Crusade*, ed. Gervers, 35–47, at 36.

26 For relations between the Slavs and the German, Polish, and Danish princes between the tenth and thirteenth centuries, see the summary in F. Lotter, 'The Crusading Idea and the Conquest of the Region East of the Elbe', in *Medieval Frontier Societies*, ed. R. Bartlett and A. MacKay (Oxford, 1989), 267–306, which partly echoes his *Die Konzeption des Wendenkreuzzugs*, Vorträge und Forschungen, 23 (Sigmaringen, 1977). See also J. Petersohn, *Der südliche Ostseeraum im kirchlich-politischen Kräftespiel des Reichs, Polens und Dänemarks vom 10. bis 13. Jahrhundert* (Cologne, 1979).

27 P. Fouracre, 'Frankish Gaul to 814', in *The New Cambridge Medieval History*, ii: c.700–c.900, ed. R. McKitterick (Cambridge, 1995), 98–104. I have discussed these and the following developments in I. Fönniesberg-Schmidt, *The Popes and the Baltic Crusade 1147–1252* (Leiden, 2006), 23–4.

28 Lotter, 'The Crusading Idea', 267; Lotter, *Die Konzeption des Wendenkreuzzugs*, 49; H. Weissner, *Das Bistum Naumburg*, 1: *Die Diözese, Germania Sacra, Neue Folge*, 35 (Berlin, 1996); D. Claude, *Geschichte des Erzbistums Magdeburg bis in das 12. Jahrhundert*, 2 vols, *Mitteldeutsche Forschungen*, 67 (Cologne/Vienna, 1975).

them were Harald I of Denmark († c.987, conversion c.965) and Mieszko I of Poland († 992, conversion c.966).²⁹

The subjugation and conversion of the Wends was far from straightforward, and the late tenth and eleventh century saw many instances of rebellion and apostasy. Religion was, however, not always the defining element in relations between the local peoples, and there are examples of peaceful co-existence as well as political and dynastic alliances being formed across religious divides. Nor did the Christian princes undertake a continuous conversion effort: some Christian military campaigns focused on territorial expansion, the creation of new systems of over-lordship and collection of tributes, and occasionally a Christian ruler allowed his subjects to remain pagan for fear of endangering his rule.³⁰ Political expediency thus sometimes made Christian princes abandon all attempts to convert the pagan Slavs – despite the exhortations of local ecclesiastical leaders such as Archbishop Adalbert of Hamburg-Bremen (1043–72) who encouraged local rulers to work for the conversion of the pagans and promised great spiritual rewards for their efforts.³¹

In the first half of the twelfth century the efforts to conquer and convert the peoples of north-eastern Europe gained new political and ideological momentum. Saxon, Danish, and Polish princes all worked to subjugate and Christianize the Slavs, with the Saxons focusing on the peoples in the lands east of the Elbe, the Danes on the Abodrites in the lands by the western Baltic Sea, and the Poles on the eastern Liutizis west of the Oder and the Pomeranians.³²

The local perception of the fight against the pagans changed, as Friedrich Lotter and others pointed out, under influence from the First Crusade.³³ A new rhetoric emerged in which parallels were made between the fighting between Christians and pagans in the North and events in the Holy Land. The so-called Magdeburg Charter of 1107/8 provides an insight into how some ecclesiastical and secular leaders in the north-eastern part of the German empire perceived the fight against their pagan neighbours at the beginning of the twelfth century.³⁴

29 N. Lund, 'Scandinavia c.700–1066', in *The New Cambridge Medieval History*, ii: c.700–c.900, 202–27, at 217–18; J. Strzelczyk, 'Bohemia and Poland: Two Examples of Successful Slavonic State-Formation', in *The New Cambridge Medieval History*, iii: c.900–c.1024, ed. T. Reuter (Cambridge, 1999), 514–35, at 524.

30 Lotter, 'The Crusading Idea', 273 and 303–4.

31 Adam of Bremen, *Gesta Hammaburgensis ecclesiae pontificum*, ed. B. Schmeidler, *MGH SRG* (Hanover, 1917), 163–4 (iii.21).

32 Lotter, 'The Crusading Idea', 278–9; Petersohn, *Der südliche Ostseeraum*, 213.

33 Lotter, 'The Crusading Idea', 274.

34 While there is still some disagreement about the status of the letter (draft, stylistic exercise, private letter or official call for a new campaign), most scholars now accept that it is not a later

The charter contains an appeal for a campaign against the Slavs, and the author promised participants both temporal and spiritual rewards, famously stating that 'you can both save your souls and, if it so pleases you, acquire the best land to live on'.³⁵ He created a parallel between the proposed campaign and those in the Holy Land, urging local nobles to prepare themselves 'like the Franks for the liberation of Jerusalem. Our Jerusalem, which from the beginning was free, is made a slave by the cruelty of the heathens (1 Macc. 2:11).' He thus also established a parallel between the historical Jerusalem (central of course to the ideology surrounding the First Crusade) and a New Jerusalem in the North, among the Slavs.³⁶

The German magnates gathered at the Frankfurt Diet were undoubtedly aware of the long-standing contest between Christians and pagans, and they may also have been familiar with ideas such as those expressed in the Magdeburg Charter. Indeed, these ideas probably formed the background for their request for a crusade against the Slavs. The request, however, may not have been fuelled by events of the past alone: while the Elbe frontier had been peaceful for some time, some chroniclers later suggested that the early 1140s had seen an increase in Wendish pirate attacks on the Danish islands.³⁷

forgery but indeed was written in 1107/8. See G. Constable, 'The Place of the Magdeburg Charter of 1107/1108 in the History of Eastern Germany and of the Crusades', in *Vita Religiosa im Mittelalter. Festschrift für Kaspar Elm zum 70. Geburtstag*, ed. F.F. Felten and N. Jaspert, Berliner historische Studien, 31 (Berlin, 1999), 283–99, at 286–8.

35 For the debate about the purpose of the campaign, see Constable, 'The Place of the Magdeburg Charter', 288–91, and M. Dygo, 'Crusade and Colonization: yet another response to the Magdeburg Charter of 1108AD', *Quaestiones mediæ ævi novae*, 6 (2001), 319–25.

36 Translated in Constable, 'The Place of the Magdeburg Charter', 297–8. By identifying the Church in the North with Jerusalem, the author followed contemporary ideas about the significance of Jerusalem, as Constable points out ('The Place of the Magdeburg Charter', 293–5). See also P. Knoch, 'Kreuzzug und Siedlung: Studien zum Aufruf der Magdeburger Kirche von 1108', *Jahrbuch für die Geschichte Mittel- und Ostdeutschlands*, 23 (1974), 1–33. For the motif of the Maccabees used in crusade accounts from the early twelfth century onwards, see J. Riley-Smith, *The First Crusade and the Idea of Crusading* (London, 1986), 148, and N. Morton, 'The Defence of the Holy Land and the Memory of the Maccabees', *Journal of Medieval History*, 36 (2010), 275–93. This motif soon became popular in northern ecclesiastical accounts, including Helmold of Bosau's *Chronica Slavorum*, i. 22, 62, and 65; for its use in twelfth-century Polish chronicles, see D. von Güttner-Sporzyński, 'Holy War and Proto-Crusading: Twelfth century justifications for the campaigns against the Pomeranians and Prussians', in *Crusading on the Edge: ideas and practice of crusading in Iberia and the Baltic Region, 1100–1500*, ed. T. Kjersgaard Nielsen and I. Fønnesberg-Schmidt (Turnhout, 2016), 225–44.

37 Lotter, 'The Crusading Idea', 290; *Annales Palidenses*, ed. G. H. Pertz (Hanover, 1859), MGH SS, xvi, 48–98, at 82; Helmold, *Chronica Slavorum*, 230–32 (i.67); Saxo Grammaticus, *Gesta Danorum*, ii, 156 (xi.2.14).

Bernard's response

Bernard accepted the proposition on the spot. That is clear from the famous letter which he issued after the Diet,³⁸ addressed to 'the archbishops, bishops, and princes, and to all faithful of God'. Here the abbot summarized the events and gave his own response. Writing of the princes and bishops who had met at Frankfurt, Bernard stated that

the might of Christians is being armed against [the pagans], and that for the complete wiping out or assuredly the conversion of these peoples, they have put on the sign of our salvation; and we promised them the same indulgence for sin as [that granted] to those who set out towards Jerusalem. Many took the Cross on the spot, the rest we encouraged to do so, so that all Christians who have not yet taken the Cross for Jerusalem may know that they will obtain the same indulgence by undertaking this expedition, if they do so according to the advice of the bishops and princes. We utterly forbid that for any reason whatsoever a truce should be made with these peoples, either for the sake of money or for the sake of tribute, until such time as, by God's help, either the rite or the people is wiped out.³⁹

Bernard's letter makes it clear that he had not only accepted the request but also had granted a full crusading indulgence to its participants, and that his enthusiasm was such that he had encouraged those who were hesitant to join it. Bernard thus appears to display a surprising disregard for papal authority.⁴⁰ James A. Brundage argues, however, that Bernard's actions may be explained by his belief that while the pope could authorize wars against the enemies of the Church, he could not declare them himself – that prerogative belonged to secular princes.⁴¹ The letter also makes it clear that it

38 Bernard's letter was clearly written after the Diet at Frankfurt, but it is much debated whether it was issued before or after Eugenius's letter on the matter, *Divini dispensatione* of April (discussed below). Constable argues that Bernard's letter was written after that of Eugenius ('The Second Crusade', 256 n. 222), while other scholars such as H.-D. Kahl ('Crusade Eschatology', 36) date it to March 1147, i.e., before his meeting with Eugenius. Yet others are satisfied with describing the two letters as having been issued at the same time (thus Lotter, 'The Crusading Idea', 288). See also below, n. 67.

39 Bernard, 'Epistolae', viii, 433, no. 457; translation adapted from Bernard, *Letters*, 467 no. 394.

40 Thus Berry, 'The Second Crusade', 479.

41 J.A. Brundage, 'St. Bernard and the Jurists', in *Second Crusade*, ed. Gervers, 25–33, at 27–8.

had already been decided at the Diet in Frankfurt to convene in Magdeburg on the Feast of Saints Peter and Paul (29 June).

In his letter Bernard presented the crusade against the Slavs as similar in character to the crusade in the Levant. Bernard thus explicitly stated that the Wendish Crusade was 'fortified with the same rewards', and their similarity was to have a visual expression as, Bernard states, the participants in the Wendish campaign were to be equipped – 'in clothes, in arms, and in all else' – just like those going to the Holy Land.⁴²

To Bernard a crusade was a God-given opportunity to gain salvation,⁴³ but the two crusades were also to serve other purposes. In Bernard's letters on the crusade to the East he makes it clear that the purpose of that crusade was to defend the land sanctified by Christ's presence.⁴⁴ With regard to the purpose of the Wendish Crusade, however, Bernard's exact understanding has been much debated: how should we interpret his phrase 'until either the (pagan) rite or the people is wiped out' (*donec aut ritus ipse, aut natio deleatur*)? Did Bernard state that the Slavs must choose between death and baptism? Focusing on Bernard's use of the term '*natio*', Friedrich Lotter has convincingly argued that Bernard here stated that the Slavs could remain in their national communities under their own chief if they were willing to convert; however, if they refused, their national units should be destroyed and they would be subjected to Christian rulers.⁴⁵ Lotter furthermore argues that although Bernard writes of the conversion of all pagans and uses terms and ideas which have a certain eschatological slant, he 'restrains himself from placing the crusade openly in an eschatological perspective' – despite his general willingness to interpret the events of his time in an eschatological light.⁴⁶

42 Bernard, 'Epistolae', viii, 433 no. 457; translation adapted from Bernard, *Letters*, 467 no. 394.

43 This idea of *tempus acceptabile* is perhaps most clearly expressed in Bernard, 'Epistolae', viii, 311–17 no. 363 and 434–7 no. 458. For its importance in Bernard's letters on the Second Crusade, see Constable, 'The Second Crusade', 247, and É. Delaruelle, 'L'idée de Croisade chez Saint Bernard', in *Mélanges Saint Bernard: XXIVe Congrès de l'Association Bourguignonne des Sociétés Savantes* (Dijon, 1953), 53–65, at 56–60. For Bernard's general crusade message, see J. Leclercq, 'Pour l'histoire de l'encyclique de saint Bernard sur la croisade', in *Études de civilisation médiévale, IXe–XIIe siècles* (Poitiers, 1974), 479–94, and J.R. Sommerfeldt, 'The Bernardine Reform and the Crusading Spirit', *The Catholic Historical Review*, 86 (2000), 567–78.

44 See thus Bernard, 'Epistolae', viii, 311–17 no. 363, at 312 l. 5–10, and 434–7 no. 458, at 435, l. 13–21.

45 Lotter, 'The Crusading Idea', 289–92. H. Beumann ('Kreuzzugsgedanke und Ostpolitik im hohen Mittelalter', *Historisches Jahrbuch*, 72 (1953), 126–7) represents the view that Bernard called for 'Tod oder Bekehrung'.

46 Lotter, 'The Crusading Idea', 288–90, at 289; see also his *Die Konzeption des Wendenkreuzzugs*. Lotter is here reacting particularly to H.-D. Kahl's interpretation of the letter's eschatological

Bernard presented the campaign as a defensive one, even though he did not explicitly state it in such terms. His description of how the Devil 'has raised up evil seed, wicked pagan sons' to use as instruments against the Christians and of the pagans as 'enemies of the Cross of Christ' certainly served to create a sense that the campaign was in retaliation for pagan aggressions.⁴⁷ This should be understood in the sense that there was an ongoing battle between God and the Devil – a battle in which Bernard and the Cistercians were at the forefront.⁴⁸ The crusade in aid of the Holy Land and the crusade against the Slavs were both part of this conflict.

The papal response

We do not know whether reports about the planned expedition against the Slavs were sent to Eugenius from the Frankfurt Diet; if so, they are now lost. The affair was, however, discussed at a meeting in Dijon on 30 March 1147 where Eugenius met a delegation from Conrad III led by Bishop Bucco of Worms, Bishop Anselm of Havelberg, and Abbot Wibald of Corvey, all of whom had been at the Diet a few days earlier.⁴⁹ The main issue on the agenda was Conrad's forthcoming crusade to the Holy Land and the state of affairs in the German lands,⁵⁰ but according to Abbot Wibald the campaign against the Slavs was also discussed. In a letter of 1149 Wibald thus stated that at the meeting the pope had urged members of the delegation to take part in the

character: see H.-D. Kahl, 'Die Kreuzzugeschatologie Bernhards von Clairvaux und ihre missionsgeschichtliche Auswirkung', in *Bernhard von Clairvaux und der Beginn der Moderne*, ed. D.R. Bauer and G. Fuchs (Innsbruck, 1996), 262–315; and Kahl, 'Crusade Eschatology', 35–47. For the extensive debate on Bernard's eschatological ideas in the Second Crusade, see B. McGinn, 'Saint Bernard and Eschatology', in *Bernard of Clairvaux: studies presented to Dom Jean Leclercq*, Cistercian Studies Series, 23 (Washington D.C., 1973), 161–85. For contemporary eschatological expectations, see Helmold of Bosau, *Chronica Slavorum*, including 214–16 (i.59).

47 Bernard, 'Epistolae', viii, 432–3 no. 457; translated in Bernard, *Letters*, 466–8 no. 394, at 467 and 466. Also noted by Lotter, 'The Crusading Idea', 289.

48 For Bernard's perception of the Devil, see for instance B.P. McGuire, *The Difficult Saint: Bernard of Clairvaux and His Tradition* (Kalamazoo, MI, 1991) and G.R. Evans, *Bernard of Clairvaux* (Oxford, 2000), 84 and elsewhere.

49 The meeting is described in Wibald, 'Epistolae', 114 no. 35 and 231–51 no. 150. For a list of the participants in the meeting see P. Acht, 'Die Gesandtschaft König Konrad III. an Papst Eugen III. in Dijon', *Historisches Jahrbuch*, 74 (1955), 668–73, at 671 and 673, and Horn, *Studien*, 272 and 309.

50 The delegates invited the pope to meet Conrad in Strasburg on 18 April 1147: Conrad III, *Urkunden*, 332–3 no. 184.

fight against the pagans, to 'vanquish the enemies of the Christian name and those who destroyed God's churches across the Elbe'.⁵¹

A few days later, on 6 April 1147, Eugenius visited Clairvaux where he probably met Bernard, and at Troyes on 11 April 1147 the pope issued a letter, *Divini dispensatione*, addressed to all the faithful, on the proposed crusade against the pagan Slavs.⁵² This fairly short letter is the main source for our insight into Eugenius's perception of the crusade against the Slavs.⁵³

The purpose of *Divini dispensatione* was to announce that the pope was authorizing the crusade against the pagan Slavs and granting (or confirming Bernard's grant of) an indulgence to its participants. It also made public Eugenius's appointment of a papal legate for the campaign and his instructions to the crusaders.

In the letter Eugenius made it clear that he viewed the campaign against the Slavs as part of the crusade which he had been promoting since 1145/6 and which was currently being assembled across Western Europe. He wrote that

so great a multitude of faithful from several parts of the world is girding itself for the storm against the infidel ... Among the other princes and magnates, the kings themselves ... having taken the sign of the life-giving Cross are preparing to liberate the Eastern Church, and are making ready, with God's help, effectively to defeat the enemies of Christ's Cross in those parts, who, for our sins,⁵⁴ have slaughtered our brethren at Edessa

51 Wibald, 'Epistolae', 231–51 no. 150, at 243: 'Tunc etiam iniunxit nobis in virtute obedientiae et in remissione peccatorum nostrorum, ut ad debellandos christiani nominis hostes ac Dei aecclesiae vastatores trans Albim super paganos militaremus.' F. Stephan-Kühn, *Wibald als Abt von Stablo und Corvey und im Dienste Konrad III.*, Veröffentlichungen der Historischen Kommission für Westfalen, 10 (Cologne, 1973), 133, has pointed out that this account from 1149 is supported by a letter from October 1147 (Wibald, 'Epistolae', 134 no. 57). For the ordering of the letters of Wibald, see Stephan-Kühn, *Wibald als Abt*, 313–31.

52 The letter was printed in *Codex diplomaticus et epistolaris Moraviae*, ed. A. Boczek *et al.*, 15 vols (Olomuch, 1836–1903), i, 244–5 no. 265, and copied from there by J.-P. Migne in *PL*, clxxx, 1203–4 no. 166; JLG9017. It is sometimes referred to as *Divina dispensatione*, but this may be a hypercorrection to ensure consistency between the first two words of the letter. 'Divini dispensatione consilii' is the most likely reading of the opening line and is the reading provided by Boczek and hence by Migne (I thank Kurt Villads Jensen for discussing this issue with me). For Eugenius's itinerary, see Horn, *Studien*, 271–92, and A.J. Duggan, 'The Benefits of Exile', below, Ch. 6. For his meeting with Bernard, see Horn, *Studien*, 273. For Bernard's itinerary, see the brief sketch in P. Aubé, *Saint Bernard de Clairvaux* (Paris, 2003), 690.

53 It is less than half the length of *Quantum praedecessores* and it would have taken less than five minutes to read to an audience.

54 For discussions of this standard term, *peccatis exigentibus*, see P.A. Throop, 'Criticism of Papal Crusade Policy in Old French and Provençal', *Speculum*, 13 (1938), 379–412, at 379, and E.

and elsewhere. The king of Spain⁵⁵ also is powerfully armed against the Saracens of those regions, against whom, by God's grace, he has often already triumphed. Certain of you, however, wishing to participate in so holy an enterprise and reward, intend to go against the Slavs and other pagans living towards the North and subject them to the Christian religion with the Lord's assistance. Taking heed of their devotion, to all who have not taken the Jerusalem Cross and have resolved to go against the Slavs and to remain on that expedition in the spirit of devotion, as prescribed, we concede the same remission of sins which our predecessor, of happy memory, Pope Urban, established for those who went to Jerusalem.⁵⁶

Eugenius thus presented the Wendish expedition as an integrated part of a wider crusade venture that also included the fighting in the Iberian peninsula. The new crusade was to be a three-front war against non-Christians, a joint crusade fought in three theatres of war, namely the Holy Land, the Iberian peninsula, and northern Europe. The three campaigns had a shared general purpose to mount an assault on the pagans (*infidelium expugnationem*).⁵⁷ The pope, then, changed his perception of the whole crusading effort when he received reports of a newly planned campaign against the Slavs.

There is very little in *Divini dispensatione* of 1147 about the situation in the North which formed the background for the campaign against the pagan Slavs. While Bernard of Clairvaux in the *arenga* of his letter on the Slav campaign had elaborated on the pagan attacks, Eugenius did not. He merely declared that a campaign was already being organized and that the intentions of the participants were 'to go against the Slavs and other pagans living towards the North and to subject them, with the Lord's assistance, to the Christian religion'.⁵⁸

In his later account of the meeting at Dijon Abbot Wibald claimed that the pope on that occasion had presented the campaign as an attempt to 'vanquish the enemies of the Christian name and those who destroyed

Siberry, *Criticism of Crusading*, 69–95. Eugenius had used the same term when describing the loss of Edessa in *Quantum praedecessores*, stating that that town had been lost 'nostris et ipsius populi peccatis exigentibus', Grosse, 'Überlegungen', 90.

55 This term – *rex Hispaniarum* – must refer to King Alfonso VII of León-Castile: see D. Smith, 'A Golden Rose and the Deaf Asp that Stoppeth her Ears: Eugenius III and Spain', below, Ch. 8.

56 *PL*, clxxx, 1203–4 no. 166, at 1203, partly translated in Constable, 'The Second Crusade', 255.

57 *PL*, clxxx, 1203–4 no. 166, at 1203.

58 *Ibid.*, 'contra Sclavos caeterosque paganos habitantes versus Aquilonem ire, et eos Christianae religioni subjugare'.

God's churches across the Elbe', thus giving the impression that the campaign had been described as retaliation for pagan aggression and hence could be understood as self-defence.⁵⁹ There is however no suggestion in *Divini dispensatione* that the Slav campaign was a defensive one and that it thus fulfilled one of the central criteria for being a just war according to the traditional theory of just warfare. Nor is there any indication that Eugenius subscribed to the view – found in the Magdeburg Charter and local chronicles – that the lands east of the Elbe had once been Christian and now rightfully could be recovered for Christendom.⁶⁰ The purpose of the campaign was presented as the conversion of the pagan Slavs,⁶¹ and Eugenius thereby came close to accepting forced conversion, contrary to the long-held principle that conversion of non-Christians must be voluntary, a view put forward by, among others, Pope Gregory I (590–604) and the canonist Ivo of Chartres (†1115).⁶² This marks a departure from his view of the campaigns in the Holy Land, where conversion did not feature explicitly as a goal – as indeed it did not in any of the relevant extant papal letters up till then.⁶³ In *Quantum praedecessores* Eugenius stated that the purpose of the campaign to the East was to defend the Eastern Church and to free 'the many thousands of our captive brothers'.⁶⁴

Eugenius stressed that the purpose of the campaign was to promote the Christian faith, and he warned participants, under threat of excommunication, that 'nobody is to accept from the pagans whom it is possible to subjugate to the Christian faith, money or another form of bribe to allow them to remain in their faithlessness'.⁶⁵ To ensure control over the

59 Wibald, 'Epistolae', 231–51 no. 150, at 243.

60 Lotter, 'The Crusading Idea', 274–5. See for instance, Constable, 'The Place of the Magdeburg Charter', 296–7; Helmold of Bosau, *Chronica Slavorum*, 54 (i.6) and 372 (ii.108: written in the 1160s), and Vincent of Prague, *Annales*, ed. W. Wattenbach, *MGH SS*, xvii (Hanover, 1861), 658–83, at 663 (written in the early 1170s).

61 *PL*, clxxx, 1203–4 no. 166, at 1203.

62 Letter from Gregory I of 16 March 591: *JL* 1104; Ivo, *Decretum*: *PL*, clxi, 106 c. 182 and 125 c. 285.

63 Schwerin, *Die Aufrufe der Päpste*, 41, and B.Z. Kedar, *Crusade and Mission: European approaches towards the Muslims* (Princeton, 1984), 60. Eugenius did, however, state in *Quantum praedecessores* (Grosse, 'Überlegungen', 90, l. 15) that the expansion of Christendom had been a key element in the Frankish activities in the Levant after the First Crusade. For the debate on conversion as part of the First Crusade, see Kedar, *Crusade and Mission*, 57–74, and J. Riley-Smith, 'Crusading as an Act of Love', *History*, 65 (1980), 177–92.

64 Grosse, 'Überlegungen', 91, l. 29–36.

65 *PL*, clxxx, 1203–4 no. 166, at 1203: 'ut nullus de paganis ipsis, quos Christianae fidei poterit subjugare, pecuniam vel aliam redemptionem accipiat, ut eos in sua perfidia remanere permittat', also translated in Phillips, *Second Crusade*, 239.

campaign, Eugenius appointed a legate for the crusade, namely Bishop Anselm of Havelberg.⁶⁶ Anselm was introduced in *Divini dispensatione* as 'a religious, wise and learned man' and his duties were listed: he was to ensure the participants' peace and tranquillity, preserve unity among them and, crucially, 'to impress upon them that they must promote the Christian faith'. Eugenius went on to admonish the participants to follow Anselm's guidance, stressing that they must follow all Anselm's 'beneficial advice, warnings, and instructions'.⁶⁷ The description of Anselm's duties and the exhortations to follow Anselm's guidance take up almost a third of Eugenius's short letter – testifying to the pope's concerns about the motivations and actions of the participants in the Northern campaign.⁶⁸

Why did Eugenius accept the request of the Saxon nobles for an extension of the Jerusalem crusade to include the North? First it should perhaps be noted that by the beginning of Eugenius's pontificate the 'crusading movement' and, indeed, the 'crusade idea' had by no means found its final form. There was not one singular model for organizing a 'crusade' and no fixed papal plan of action, but rather a series of precedents which differed with regard to initiators, participants, purpose, and geography as well as the extent and timing of papal involvement.⁶⁹ Although Jerusalem and the Holy Land remained central

66 The appointment must have been made in Dijon which is the only known meeting between Eugenius and Anselm and thus supports Wibald's statement that the Wendish Crusade was discussed there. See also Constable, 'The Second Crusade', 279. For legates on the crusade to the East, see Hiestand, 'The Papacy', 38 and 44; for their duties, see Eugenius's letter of 15 July 1147 (*PL*, clxxx, 1251–2 no. 204). For an evaluation of their performance, see *JS HistPont*, 54–6.

67 *PL*, clxxx, 1203–4 no. 166, at 1203. In his letter on the Wendish Crusade ('*Epistolae*', viii, 433 no. 457) Bernard stated that it was up to the archbishops and bishops to ensure that crusaders did not make truces with the pagans; he did not refer to Anselm or a papal legate. This supports the idea that Bernard wrote the letter before he had learned of Eugenius's appointment of a papal legate for the Wendish Crusade and hence before the issue of *Divini dispensatione*. The idea that Bernard's letter predates that of Eugenius is furthermore suggested by the fact that Bernard states that it was already agreed at the Diet at Frankfurt that he should compose a letter on the Wendish Crusade: 'It has pleased all those who were gathered together at Frankfurt to decree that a copy of this letter should be carried everywhere and that the bishops and priests should proclaim it to the people of God (*placuit autem omnibus in Frankenevort congregatis quatenus exemplar istarum litterarum ubique portaretur, et episcopi atque presbyteri populo Dei annuntiarent*)': Bernard, '*Epistolae*', viii, 433 no. 457, trans. Bernard, *Letters*, 467 no. 394. There is no mention of a papal bull in Bernard's letter, suggesting that one had not yet been issued when Bernard wrote his letter.

68 For a similar interpretation of Eugenius's fears, see J.T. Lees, *Anselm of Havelberg: deeds into words in the twelfth century*, Studies in the History of Christian Thought, 79 (Leiden, 1998), 78.

69 Urban II's crusade of 1096–1102 had been followed by a series of minor expeditions: Prince Bohemond of Antioch (1098–1111) in 1107–8 (J.G. Rowe, 'Paschal II, Bohemund of Antioch and the Byzantine Empire', *Bulletin of the John Rylands Library*, 49 (1966): 165–202, at 180–2 and 193–6,

to the rhetoric and ideology surrounding the crusades, the crusade idea had already been extended to include the fight between Christians and Muslims on the Iberian peninsula, and it had thus been accepted that penitential warfare could take place in many different theatres of war.⁷⁰

Political considerations may also have played a part. In his seminal article on the Second Crusade Giles Constable suggested that Eugenius welcomed the idea of a German campaign against the Slavs because he foresaw difficulties resulting from joint German and French participation in the expedition to the East.⁷¹

And, most importantly perhaps, the pope was in effect presented with a *fait accompli*: Bernard of Clairvaux had already accepted the extension of the crusade at the Frankfurt Diet. The wording of *Divini dispensatione* clearly shows that Eugenius realized that the expedition against the Slavs was in fact already underway: minds were made up and plans were being laid. The pope could now merely put in place measures that sought to control the course of the campaign and the motivations of its participants and ensure that the expedition to the East was not drained of manpower by stating that only those who had not already taken the Cross to the East could join the Wendish Crusade.⁷² That is not to say that Eugenius would have been unhappy with

and N. Housley, 'Jerusalem and the Development of the Crusade Idea, 1099–1128', in *The Horns of Hattin*, ed. B.Z. Kedar (London, 1992), 27–40, at 30–1; the so-called Venetian Crusade of 1122–4 (J. Riley-Smith, 'The Venetian Crusade of 1122–1124', in *Comuni Italiani nel Regno Crociato di Gerusalemme / The Italian Communes in the Crusading Kingdom of Jerusalem*, ed. G. Airlaldi and B.Z. Kedar (Genoa, 1986), 337–50, at 340–7; *Historia Compostellana*, ed. E. Falque Rey, CCCM, 70 (Turnhout, 1988), 270–2; and the crusade of 1129 against Damascus (Phillips, *Defenders of the Holy Land*, 17, 23, and 76–7), as well as campaigns in the Iberian peninsula where Pope Calixtus II (1119–24) had granted participants the same remission of sins which he had granted to the 'defenders of the Eastern Church' (see the overview in W.J. Purkis, *Crusading Spirituality in the Holy Land and Iberia, c.1095–1187* (Woodbridge, 2008), 120–78).

70 For the role of Jerusalem in the crusade ideology of the first half of the twelfth century, see C. Erdmann, *The Origin of the Idea of Crusade*, trans. M.W. Baldwin and W. Goffart (Princeton, 1977), 306–77; H.E.J. Cowdrey, 'Pope Urban II's Preaching of the First Crusade', *History*, 55 (1970): 177–88; Riley-Smith, *The First Crusade*, 135–52, and Housley, 'Jerusalem and the Development of the Crusade Idea', 27–40. For the link between the Iberian peninsula and Jerusalem and the idea expressed in 1125 that the way to the Holy Sepulchre passed through Spain, see *Historia Compostellana*, 379–80, and Riley-Smith, 'The Venetian Crusade', 340–7. For the transfer of the idea of Jerusalem to other regions, see Lotter, 'The Crusading Idea', 275–6, and E.-D. Hehl, 'War, Peace and the Christian Order', in *The New Cambridge Medieval History*, 4/i, ed. D. Luscombe and J. Riley-Smith (Cambridge, 2004), 185–228, at 213.

71 Constable, 'The Second Crusade', 256 and 279.

72 PL, clxxx, 1203–4 no. 166, at 1203. A letter from Eugenius allowed Bishop Henry of Moravia to change his vow and join the Wendish Crusade instead (*Codex diplomaticus et epistolaris Moraviae*, 258 no. 277, PL, clxxx, 1262 no. 214). However, the somewhat unusual wording of this

Bernard's actions; he most likely trusted the judgment of his old mentor. Indeed, if we may believe Abbot Wibald's account of the meeting in Dijon on 30 March, Eugenius was already enthused by the idea of a campaign against the pagan Slavs – suggesting that the pope did not need much persuasion or lengthy discussions with Bernard at a subsequent meeting at Clairvaux.

Eugenius's letter on the Wendish enterprise shared several similarities with Bernard's.⁷³ They both saw it as a means to convert the pagan Slavs and as a means of redemption for its participants, and they both presented the two campaigns (to the Holy Land and against the Wends) as sharing similar characteristics with the same spiritual rewards. They both emphasized that only those who had not taken the Cross to go to Jerusalem could join the Wendish Crusade. Finally, they both forbade crusaders to accept truces or bribes in order to allow the Slavs to remain in their pagan faith.

However, their messages differed on three major points. First, Bernard expressed his view of the purpose of the campaign much more strongly than did Eugenius. Second, there is no hint in Eugenius's letter of eschatological ideas or allusions to the Devil. Finally, unlike Bernard, Eugenius did not merely discuss the Wendish Crusade and its similarities to the crusade in the East, but chose to present an entirely new understanding of what became the Second Crusade – an understanding that included also the struggle in the Iberian peninsula – and he reinterpreted the whole crusade effort as a united and coherent event targeting the enemies of Christendom in three theatres of war.

In their letters Pope Eugenius and Bernard thus stated the same general purpose for the Wendish Crusade and the same specific terms for the crusaders – presumably not wishing to contradict each other – but they set the crusade against the Slavs in different contexts. Eugenius described

letter may suggest that it is a modern forgery, possibly by A. Boczek, editor of *Codex diplomaticus et epistolaris Moraviae*. Boczek has long been suspected of including dubious documents in his work (see the introductory comments by G. Friedrich in *Codex diplomaticus et epistolaris Regni Bohemiae*, ed. G. Friedrich et al., 5 vols (Prague, 1904–82), i, xi, and P. Hilsch, *Die Bischöfe von Prag in der frühen Stauferzeit. Ihre Stellung zwischen Reichs- und Landesgewalt von Daniel 1. (1148–1167) bis Heinrich (1182–1197)*, Veröffentlichungen des Collegium Carolinum, 22 (Prague 1969), 21–3; see also the comments by Emil Schieche, Boczek's biographer, in idem, 'Antonín Boček', in *Lebensbilder zur Geschichte der böhmischen Länder*, ed. K. Bosl et al., 4 vols (Munich/Vienna, 1974–81), ii, 93–123, at 93 and 102–3). Some of these concerned Bishop Henry, see Horn, *Studien*, 202, and M. Gładysz, *The Forgotten Crusaders: Poland and the crusader movement in the twelfth and thirteenth centuries* (Leiden, 2012), 70 n. 10.

73 For a discussion of Bernard's influence on Eugenius's understanding of the Wendish Crusade and the differences between the messages of Eugenius and Bernard, see Kahl, 'Die Kreuzzugseschatologie', 306–9; Kahl, 'Crusade Eschatology', 40; and P. Taylor, 'Moral Agency in Crusade and Colonization: Anselm of Havelberg and the Wendish Crusade of 1147', *The International History Review*, 23 (2000), 757–84, at 772, as well as Phillips, *Second Crusade*, 237 and 239.

the venture in temporal terms by focusing on events and practicalities, whereas Bernard made much of the spiritual context in which he believed the crusade ought to be seen. In doing so, they both followed the style they had previously used in their letters on the crusade in aid of the Holy Land. Thus, in *Quantum praedecessores* Eugenius had focused on the historical background of the new crusade and on recent events in the Levant.⁷⁴ Bernard, in contrast, had presented the crusade in aid of the Holy Land as part of the ongoing struggle between God and the Evil One, stressing how this gave man a means for salvation.⁷⁵ These differences – together with his focus on a single crusade fought in three areas – suggest that Eugenius formed his own view of the crusading venture.

It is reasonable to assume that Eugenius knew only very little of the struggles between Christians and non-Christians in north-eastern Europe of the eleventh and twelfth centuries.⁷⁶ The envoys at Dijon are likely to have influenced Eugenius's decision to sanction the Northern Crusade and to have helped shape his understanding of relations between the peoples living in the remote part of Europe.

Abbot Wibald of Corvey and Bishop Anselm of Havelberg were both well acquainted with the complex relations between Christians and non-Christians in the North. The Benedictine monastery of Corvey by the river Weser in Saxony was founded around 820 and had played an important role in the missions targeting the pagans living north and northeast of the monastery. Even in the early twelfth-century Corvey was linked to pagan affairs in the minds of some contemporaries: the Magdeburg Charter of 1107/8 thus listed Abbot Erchanbert of Corvey (1106–28) among its addressees. This does not, however, appear to have fostered in the newly appointed Abbot Wibald any great interest in the conversion effort; he seems to have preferred to focus on providing political and diplomatic assistance to the German court (and securing the financial stability of his abbeys).⁷⁷

74 Grosse, 'Überlegungen', 90–92. A similar focus is found in *Divini dispensatione* of 5 October 1146: 'Papsturkunden in Malta', 388–90 no. 3.

75 See thus Bernard, 'Epistolae', viii, 311–17 no. 363 and 434–7 no. 458.

76 When in 1146 Eugenius announced the canonization of Emperor Henry II (1002–24) (*PL*, clxxx, 1118), he mentioned Henry's establishment of the see of Bamberg (1007), but it remains uncertain whether he associated these early eleventh-century missionary measures with the events of 1147. See Phillips, *Second Crusade*, 92.

77 A substantial amount of literature exists for the influential Wibald, abbot of Stablo and Malmedy (1130), Montecassino (1137), and Corvey (1146) and his services to the German court. A good starting point is F.-J. Jakobi, *Wibald von Stablo und Corvey (1098–1158): benediktinischer Abt in der frühen Stauferzeit* (Münster, 1979); see also F. Hausmann, *Reichskanzlei und Hofkapelle unter Heinrich V. und Konrad III.*, *Schriften der MGH* 14 (Stuttgart, 1956), 167–257. Wibald himself

Bishop Anselm, on the other hand, took a strong interest in the conversion efforts. He had been made bishop of Havelberg in 1129. That see had been established – just east of the River Elbe – in 946 or 948 as a missionary see for the pagan Wilzes as part of the ecclesiastical organization set up to support the Ottonian missionary push of the mid-tenth century. However, the new foundation soon came under attack from the pagans and the church at Havelberg was abandoned. Subsequent bishops of Havelberg lived in exile, and the see was really only restored more than a century and a half later. As Havelberg was controlled by the Wends, Anselm spent his first years as bishop in exile, and he only began to claim some authority in his diocese in the mid-1140s.⁷⁸ He was greatly influenced by the missionary ideas of his archbishop, Norbert of Xanten (1126–34).⁷⁹ Along with Otto of Bamberg (†1139), Norbert had been among those who – inspired by the new reform movement, the idea of the *vita apostolica* and the emphasis on preaching and evangelizing – had taken up this cause, and after his election as archbishop of Magdeburg he had focused his missionary efforts on the pagan Slavs east of the Elbe.⁸⁰

The new campaign against the Slavs would target some of the peoples whom Anselm – and his mentor, Norbert – had wished to convert through peaceful means,⁸¹ and he is therefore likely to have tried to influence the papal ideas about the new venture when he met the pope in Dijon on 30 March.⁸² Perhaps his missionary zeal helped persuade Eugenius to accept this extension of the crusade to the North? Anselm must certainly have made a favourable impression on Eugenius, whether on account of his knowledge

took pride in already being acquainted with Pope Eugenius before the meeting at Dijon (see Wibald, 'Epistolae', 114 no. 35). For a critical assessment of Wibald's relations with Eugenius III (and other members of the Curia), see Horn, *Studien*, 55–64.

78 Lees, *Anselm*, 27–32 and 70–1; for Anselm's itinerary, see G. Wentz, *Das Bistum Havelberg* (Berlin 1933), 37–40.

79 Lees, *Anselm*, 22–39.

80 See for instance W. Berges, 'Reform und Ostmission im 12. Jahrhundert', *Wichmann Jahrbuch*, 9/10 (1955–6): 31–44, repr. in *Heidenmission und Kreuzzugsgedanke in der deutschen Ostpolitik des Mittelalters*, ed. H. Beumann, *Wege der Forschung*, 7 (Darmstadt, 1963) 317–36, and K. Guth, 'The Pomeranian Missionary Journeys of Otto I of Bamberg and the Crusade Movement of the Eleventh to Twelfth Centuries', in *Second Crusade*, ed. Gervers, 13–23.

81 H.-D. Kahl, *Slawen und Deutsche in der Brandenburgischen Geschichte des Zwölften Jahrhunderts*, 2 vols (Cologne, 1964), i, 229–33, and Lees, *Anselm*, 77–8. For Anselm's ideas about mission, see Lees, *Anselm*, 55, 71–3, and 95.

82 Several scholars have proposed that Anselm influenced Eugenius's policy on the Wendish Crusade, including Constable ('The Second Crusade', 257) who tentatively suggests that the plan to go against the Slavs first was put forward by Anselm, and Lees (*Anselm*, 78), who focuses on how Eugenius's concerns regarding the crusaders' motives must have come from Anselm.

or his missionary fervour, since the pope decided that he would be the right man to ensure that the crusaders worked to promote the Christian faith.⁸³

Perhaps we may also hear Anselm's cautionary tales of previous Christian campaigns in Eugenius's admonitions to crusaders that they should fight for the conversion of the non-Christians, not for their own gains. Here Eugenius could, however, also have been inspired by Bernard who – as evidenced by his letter on the Wendish Crusade – had similar concerns, presumably after discussing previous campaigns against the Slavs with local ecclesiastics and nobles during the Frankfurt Diet.

The dissemination of the papal message and its reception

Pope Eugenius III's later successor, Alexander III, reflected on how Eugenius had wished to recruit men for from 'various parts of the Earth' (*de diversis mundi partibus*) to free the Eastern Church.⁸⁴ We do not, however, know much about to where exactly Eugenius sent his message about the crusade against the Slavs. The only surviving copy of *Divini dispensatione* of April 1147 identified so far is found in Moravia (Morava, Mähren) in the present-day Czech Republic⁸⁵ and was probably used by Henry Zdík, bishop of Moravia (or Olmütz) (1126–50). Bernard of Clairvaux had asked Henry to assist with recruitment in Bohemia for the crusade to the East,⁸⁶ but Henry did not join that campaign, deciding instead to take part in the Wendish Crusade, possibly inspired by his interest in the mission among the pagan Prussians.⁸⁷

83 For Anselm's subsequent relationship with Eugenius, see Lees, *Anselm*, as well as C. Egger, 'Curial Politics and Papal Power: Eugenius III, the Curia and contemporary theological controversy', above, Ch. 2, and A. Jotischky, 'Eugenius III and the Church in the Crusader States', below, Ch. 13.

84 *Quantum praedecessores* of 14 July 1165: *PL*, cc, 384–6 no. 360, at 384 (the letter was a reissue of Eugenius's bull); Constable, 'The Second Crusade', 261.

85 See *Codex diplomaticus et epistolaris Moraviae*, i, 244–5 no. 265. A copy of Bernard's letter on the Wendish Crusade also made its way to Moravia (*Codex diplomaticus et epistolaris Moraviae*, i, 253–5 no. 274), but it cannot be ascertained with any certainty whether the two letters were sent at the same time.

86 For Henry's role in the recruitment for the crusade to the East, see Bernard, 'Epistolae', viii, 436–7 no. 458, and P.J. Cole, *The Preaching of the Crusades to the Holy Land, 1095–1270* (Cambridge, MA, 1991), 47–8. For Henry's relations with Eugenius, see Horn, *Studien*, 50–1.

87 Hilsch, *Die Bischöfe von Prag*, 56. For Henry's mission among the Prussians, see Gładysz, *The Forgotten Crusaders*, 32–6. For Henry's appointment as legate on the crusade to the East, see Hiestand, 'The Papacy', 44, and the letter in *PL*, clxxx, 1251–2 no. 203, but note that this appointment was not taken up. For Henry's participation in the Wendish Crusade, see *Annales Magdeburgenses*, *MGH SS*, xvi, 105–96, at 188 l. 38.

Neither chronicles nor diplomatic sources allow us to follow the dissemination of the papal message about the Wendish Crusade in any detail. Nor do the existing sources give much insight into how Christians perceived the papal message about that venture. The Wendish Crusade did not receive a 'biography' as such, but the campaign is, however, mentioned in a range of contemporary chronicles and annals. Most of these did not attempt to clarify Eugenius's intentions for the crusade and do not mention that Eugenius saw the three campaigns as an integrated whole.⁸⁸ Most simply mentioned that the Wendish campaign was fought 'against the pagan Slavs' and failed to discuss the papal perception of the crusade.⁸⁹

We do know that the papal message reached Denmark, where the chronicler Saxo later wrote that

At the same time, perceiving that religion was almost overwhelmed and destroyed by the tempestuous violence of the barbarians, the Roman bishop sent letters throughout Europe directing that all enemies of the Christian belief should be assailed by the faithful. Every Catholic province, moreover, was ordered to attack the pagans on its borders (*confinem sibi barbariem*).⁹⁰

According to Saxo, the Danes thus interpreted the papal message of a trifocal crusade to mean that the pope intended the new crusade to be a multifocal campaign, fought against all enemies of the Church wherever

88 Helmold of Bosau, who described the division of the crusading army into three, did state that 'The initiators of the expeditions ... thought it advisable that one part of the army should go to the East, another to Spain, and a third against the Slavs'. However, while he clearly counted Bernard of Clairvaux among the 'initiators of the expedition' (*auctoribus expeditionis*) he did not specify who they were, and Eugenius does not feature strongly in his account (Helmold of Bosau, *Chronica Slavorum*, 216 [i.59]). A similar line is taken by the author of *Annales Rodenses* (*Annales Rodenses*, ed. G.H. Pertz, *MGH SS*, xvi, 688–723, at 718). For a discussion of whether contemporary chroniclers connected the three campaigns, irrespective of the papal message, see Phillips, *Second Crusade*, xxvii–xxviii.

89 Thus Wibald, 'Epistolae', 134 no. 57, and *Annales Colonienses maximi*, ed. G.H. Pertz, *MGH SS*, xvii (Hanover, 1861), 723–847, at 763. Occasionally the campaign is depicted as a defensive one, thus Wibald, 'Epistolae', 243 no. 150, and *Annales Palidenses*, 82. Yet others state that the campaign was undertaken to convert the pagans, thus Vincent of Prague, *Annales*, 663, and *Annales Magdeburgenses*, 188.

90 Saxo, *Gesta Danorum*, ii, 1000 (xiv.3.5). Berry ('The Second Crusade', 481) stated that Cardinal Hubaldus carried the papal message to Denmark, but his visit took place in 1146 and any crusade call carried by him must have been in aid of the Holy Land (see K. Villads Jensen, 'Denmark and the Second Crusade: the formation of a crusader state?', in *Second Crusade*, ed. Phillips and Hoch, 164–79, at 164.

they might be. Saxo's account also implies that the Danes believed that the pope did so in order to defend Christendom.

Conclusions

Four different armies, made up mostly of German, Polish, and Danish magnates, joined the Northern Crusade which set out in the summer of 1147. The army of Count Albert the Bear of Brandenburg – which also included Abbot Wibald⁹¹ – besieged the towns of Demmin and Stettin (Szczecin); a Danish army joined the Saxon forces led by Duke Henry the Lion and Archbishop Adalbero of Hamburg-Bremen (1123–48) to attack the Wendish town of Dubin; while the Polish forces, led by the brother of the duke of Poland, attacked the Slav lands from the south-east. But none of these campaigns led to lasting gains for the Church: the siege of Dubin ended with a peace treaty which obliged the Slavs to take the Christian faith, but soon after the departure of the crusaders they returned to their pagan faith. Nor did the sieges of Demmin and Stettin lead to anything, as the inhabitants there were, in fact, already Christian.⁹² The Wendish Crusade was thus as unsuccessful as many of the other campaigns during the Second Crusade and added to the general disillusionment after that crusade.⁹³

This crusade against the Slavs had come about after requests from north German magnates who – presumably inspired by the preaching of the new crusade in aid of the Holy Land, century-old ideas about meritorious warfare against non-Christians, and far newer notions of crusading in the North – wished to fight against the pagan Slavs rather than go to the Levant. Bernard of Clairvaux accepted their proposal on the spot. When informed of these developments, Pope Eugenius responded quickly and, according to the account of Abbot Wibald of Corvey, enthusiastically to the idea. He issued

91 For Wibald's participation in the crusade, see *Annales Magdeburgenses*, 188, l. 39, and Stephan-Kühn, *Wibald als Abt*, 137, and Hausmann, *Reichskanzlei*, 197.

92 Riley-Smith, *The Crusades: a short history*, 97–8; see also J. T. Lees, "Why Have You Come with Weapons Drawn?" the leaders of the Wendish campaign of 1147', in *The Second Crusade: holy war on the periphery of Latin Christendom*, ed. J.T. Roche and J. Møller Jensen (Turnhout, 2015), 273–301. Accounts of the crusade can be found in Helmold of Bosau, *Chronica Slavorum*, 220–25 (i.62–3); *Annales Magdeburgenses*, 188; *Annales Palidenses*, 82; *Annales Stadenses*, ed. J.M. Lappenberg, *MGH SS*, xvi (Hanover, 1859), 327; and Vincent of Prague, *Annales*, 662–3.

93 For the unsuccessful outcome of the Second Crusade and its consequences, see among others Constable, 'The Second Crusade', 266–76; M. Hoch, 'The Price of Failure: the Second Crusade as turning-point in the history of the Latin East?', in *Second Crusade*, ed. Phillips and Hoch, 164–79; and Loud, 'Some Reflections of the Failure of the Second Crusade', 1–14.

a letter, *Divini dispensatione*, in which he sanctioned the campaign. Here he presented the purpose of the Wendish Crusade as the conversion of the pagan Slavs. According to their letters on the Wendish Crusade Eugenius and Bernard of Clairvaux agreed on this purpose of the venture; they also both acknowledged the redemptive power of the crusade for crusaders and shared concerns for the motivation of crusaders. However, their understanding of the context of the crusade differed somewhat. Unlike Bernard, Eugenius presented a new conceptual framework for the understanding of the Wendish crusade, namely one that linked the Wendish Crusade not only to the crusade to the Holy Land, but also to the warfare between Christians and Muslims on the Iberian peninsula. Rather than presenting a view of the three campaigns as separate albeit contemporary efforts, he stressed that the three campaigns must be understood as a joint 'storm against the infidels', and he thus reinterpreted the entire crusading effort. Eugenius also put in place some specific measures attempting to control the direction of the Wendish Crusade. Keen to ensure that the crusaders worked to convert the pagan Slavs rather than to further their own temporal interests, he appointed a legate for the campaign who would 'remind them to promote the Christian faith'. In this matter he may have been influenced by accounts from local ecclesiastics.

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6. The Benefits of Exile

Anne J. Duggan

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Abstract

Eugenius III's itineration through France, Germany, and Switzerland in 1147–8 brought the papacy to northern regions, allowing large numbers of petitioners or litigants to approach the travelling Curia in person and experience papal jurisdiction first hand. More importantly it brought the papacy to ordinary men and women. Special features of this study are eye-witness accounts of spectacular and memorable visits to Reims, Châlons-sur-Marne, Verdun, and Trier. One witness described dancing in the streets of Verdun, where Eugenius consecrated the cathedral church and translated the relics of St Vanne, another could scarcely contain his excitement at the papal residence in the imperial city of Trier, while Châlons-sur-Marne employed a public notary to record the papal visit for posterity.

Keywords: Eugenius III; travels in France; Germany; Switzerland; visits to Besançon; Châlons-sur-Marne; Cîteaux; Cluny; Paris; Reims; Saint-Maurice d'Agaune; Trier; Verdun

When at the end of 1146 Eugenius III and his advisers decided to take the road to France, there was no lack of precedent for such a journey. Setting aside the somewhat ambiguous legacy of the five popes who had travelled to Frankish lands in Carolingian times,¹ they could look to the much more positive examples of the reform popes from the mid-eleventh century onwards. In 1049, Leo IX had interrupted what was primarily a reforming tour of northern Germany under the patronage of the Emperor Henry III, to

¹ Stephen II (753–4), Leo III (799, a fleeting visit to Charlemagne at Paderborn), Stephen IV (Oct. 816), Gregory IV (833), John VIII (878): JL, i, 272–4, 309, 317, 324–6, 399–405; P. Engelbert, 'Papstreisen ins Frankenreich', *Römische Quartalschrift für christliche Altertumskunde und für Kirchengeschichte*, 88 (1993), 77–113.

make an important excursion to Reims.² There, on 1 October, he translated the relics of St Rémi and consecrated the cathedral, following which he presided at a council where, 'with the advice of our fellow bishops and the assent and approval of the clergy and people, an enormous number of whom had flooded in to celebrate such an important consecration', he issued 'many [decrees] necessary for the Christian religion'.³ The French-born Urban II in 1095–6⁴ and the Burgundian-born Calixtus II in 1119–20⁵ went even further, and turned the crisis of the schisms which confronted them into opportunities to establish the legitimacy of their papacy against imperially supported rivals. Not only were they enthusiastically received by the French monarchy, nobility, and clergy, but they presided at councils which carried forward the reform programme begun by Leo and confirmed papal leadership of the Church.⁶ Gelasius II (1118–19), too, would have held a council at Reims, if he had not 'gone the way of all flesh' at Cluny. Even the embattled Paschal II had managed a short, mostly monastic, itineration in 1107, when he tried to engage French support in his struggle with Henry V, the new king of Germany (1105–25; emperor from 1111), celebrating Easter in Chartres and holding a council in Troyes.⁷

More extensive than any of these, however, was Innocent II's journey to France in 1130–2. Confronted by an antipope (Anacletus II 1130–8) who commanded the allegiance of Rome and the Patrimony of St Peter, as well as that of Aquitaine, Scotland, and the Norman lordships in southern Italy

2 Visiting Cologne, Aachen, Liège, Trier, Toul, [Reims,] Verdun, Metz, Mainz, etc.: JL, i, 531–5.

3 As reported in the letter addressed 'to his brethren (= bps) and catholic children throughout the kingdom of the French (*fratribus et filiis catholicis per universum regnum Francorum*): *'plurima ad Christianae religionis necessaria, consilio coepiscoporum nostrorum, assensu etiam et laude cleri et populi, quorum innumera multitudo ad tantae devotionis celebritatem confluerat'* (PL, cxliii, 616–17 no. 17, at 617). For his liturgical actions, see D. Iogna-Prat, *La Maison Dieu: une histoire monumentale de l'Église au Moyen Âge* (Paris, 2006), 366–98.

4 JL, i, 680–90.

5 JL, i, 780–94. Calixtus was elected in Cluny and consecrated in Vienne, following the death at Cluny (29 Jan. 1119) of his short-lived predecessor, Gelasius II (1118–19).

6 Urban II: Piacenza (1095), Clermont (Nov. 1095), and Nîmes (July 1096): R. Somerville, 'The French Councils of Pope Urban II: some basic considerations', *Annuario Historiae Conciliorum*, 2 (1970), 56–65; idem, *Pope Urban II's Council of Piacenza* (Oxford, 2011). Calixtus II: Toulouse (July 1119); the widely reported council held at Reims in Oct. 1119 was less important: R. Somerville, 'The Councils of Pope Calixtus II: Reims 1119', *Proceedings ... Salamanca*, 35–50. See also idem, *Papacy, Councils and Canon Law in the 11th and 12th Centuries* (Aldershot, 1990).

7 His itinerary included Lyon, Cluny, Dijon, Tours, Marmoutier, Chartres, Saint-Denis, Lagny-sur-Marne, Meaux, Troyes (council, c.23 May), Auxerre, Senlis, Le Puy, Valence, Saint-Pierre de Alverdo (dioc. Grénoble), and he consecrated the church of Saint-Maurice in Dijon and the monasteries of Bèze, La Charité-sur-Loire, and Déols: JL, i, 728–32.

and Sicily,⁸ he had withdrawn to France soon after his election, and was warmly welcomed by Louis VI (1108–37), Suger of Saint-Denis, and Bernard of Clairvaux. From Genoa, his itinerary took him north from Saint-Gilles-en-Provence to Reims⁹ and south from Reims to Gap (Vapingum),¹⁰ whence he returned to Italy via the Montgenèvre pass in early April 1132. His schedule had included councils at Clermont-Ferrand and Reims (18 November 1130 and 18–26 October 1131), meetings with the German king (Lothar III, 1125–37), whom he crowned, together with his wife Richenza, in a splendid ceremony in Liège on mid-Lent (*Laetare Jerusalem*) Sunday 1131,¹¹ and with the kings of France and England (Louis VI; Henry I, 1100–35) and, equally important, with leading ecclesiastical figures, including Norbert of Xanten, founder of the White Canons (Premonstratensians) and archbishop of Magdeburg (†1134).¹²

Innocent II's journey had been dictated by the need to establish his legitimacy in the face of an antipope; Eugenius III's was not. According to Boso, the initiative had come from Louis VII (1137–80), who had invited (*vocatus*) the pope to France to give impetus to the (Second) crusade,¹³ to which Louis was committed and which Eugenius had summoned in December 1145.¹⁴ There is no doubt that the business of the crusade was a significant factor in King Louis's thinking, since it was discussed at their first meeting at Dijon (30 March 1147), but something more than a crusade council was evidently intended. There is good reason to believe that the memory of Innocent

8 *Enciclopedia dei papi*, ii (2000), 268–70 (R. Manselli); Boso, *Vita Innocentii II*.

9 JL, i, 644–52: *via* Cluny, Clermont, Fleury (where he received Louis VI of France), Chartres (where he received Henry I of England), Provins, Châlons-sur-Marne, Liège (where King Lothar III led his horse in the *officium stratoris*), Paris, Saint-Denis, Rouen, Auxerre, Orléans, Blois, and Soissons. See A.J. Duggan, 'Innocent II's Trans-Alpine Itinerary 1130–32', in *Pope Innocent II (1130–1143): the world vs the city*, ed. J. Doran and D.J. Smith (London/New York, 2016), 105–6. Boso's itinerary (*Vita Innocentii II*, 381) contains some inaccuracies.

10 JL, i, 852–4: *via* Châlons-sur-Marne, Troyes, Auxerre, Cluny, Lyon, Vienne, Valence, and Avignon.

11 29 March 1131: Anselm of Gembloux, *Continuatio Sigeberti Gemblacensis*, MGH SS, vi, 383 (where Innocent is called by his baptismal name of 'Gregorius'). Anselm estimated that 32 bps and 52 abbots attended the ceremony, and he stressed the 'Roman' character of the papal procession from Saint Martin's to the church of St Lambert: 'ab ecclesia sancti Martini in publico monte, quasi Rome via triumphali, usque ad capitolium sancti Lamberti ascendit, missam celebrat, regem et reginam coronat'.

12 JL, i, 844–56. *Enciclopedia dei papi*, ii (2000), 261–8 (T. di Carpegna Falconieri), at 264.

13 Boso, *Vita Eugenii*, 387.

14 *Quantum praedecessores*, to Louis VII, Vetralla, 1 Dec. 1145: PL, clxxx, 1063–6 no. 48. Otto of Freising reported that Louis VII (wishing to fulfil the vow of his dead brother Philip) consulted the leading French barons, who consulted St Bernard, who said that it would be better to consult the Roman pontiff on so important a matter (*de tam grandi negotio*): *Gesta Frederici* 54–7, at 54; Horn, *Studien*, 101–5.

II's triumphant tour, which had finished only fifteen years earlier (1132), exercised a pervasive influence in the genesis of Eugenius III's *iter*. Many of those involved in the planning at the highest level would have had clear recollections of its achievements. Louis VII himself would have remembered his own royal anointing as his father's co-ruler during the Council of Reims on 25 October 1131, when he was only eleven years old;¹⁵ Abbot Suger would have recalled the Easter celebrations at Saint-Denis in April 1131;¹⁶ and Eugenius, who had been ordained priest by the same Innocent during his residence in Pisa in 1133–7, would have learned the details of the French *visitatio* from him or from a member of his entourage. Indeed, three of Eugenius's cardinals had held office in 1131–2. Of these, Conrad, cardinal bishop of Sabina remained in Rome as papal vicar, but Theodwin, cardinal bishop of Porto and S. Rufina and Guido of Pisa, cardinal deacon of SS. Cosma e Damiano, travelled with him.¹⁷ In addition, of course, was the powerful influence of St Bernard, who had recruited Eugenius into the Cistercian Order, where he was a novice at Clairvaux itself, and promoted his appointment as abbot of SS. Vincenzo e Anastasio (Tre Fontane), outside the city of Rome. He had been a prime mover during Innocent's travels in France, and he was frequently found in Eugenius's company during his French itinerary. It was probably with anticipation rather than apprehension that Eugenius responded to King Louis's invitation to conduct a major *peregrinatio* through the French kingdom, where, like Innocent, he would be a welcome guest.

The travelling Curia comprised well over a hundred persons: the pope with his household, accompanied by twenty or so cardinals, with their households.¹⁸ Such a group could not simply turn up at a monastery or episcopal

¹⁵ JL, i, 851.

¹⁶ Below, n. 31.

¹⁷ Conrad, CB of Sabina 1128–53, formerly CP of S. Pudenziana 1110–28, who succeeded Eugenius as Pope Anastasius IV 1153–4 (Brixius, 36, 78–9 n. 24; Zenker, 46–8). One of the oldest and most experienced members of the Curia (b. 1073), he had been Innocent II's vicar in Rome, and discharged the same function under Eugenius. He was not a canon regular of Saint-Ruf: see P. Classen, 'Zur Geschichte Papst Anastasius IV', *QF*, 48 (1968), 36–63. Theodwin, CB of Porto and S. Rufina 1134–51 (Brixius, 47, 95 n. 85; Zenker, 26–8); Guido of Pisa, CD of SS. Cosma e Damiano 1132–49, chancellor 1146–9 (Brixius, 43, 89 n. 61; Zenker, 146–8).

¹⁸ Eighteen were named at Châlons-sur-Marne and seventeen at Trier: see below, at nn. 48 and 60–70. Horn calculated that there were thirty-one cardinals at the beginning of the itineration (*Studien*, 184), but not all travelled with the Curia. R. Hiestand counted twenty-two: 'Das kardinalistische Gefolge der Päpste bei ihren Frankreichaufenthalten von Urban II. bei Alexander II.', in *Von Outremer bis Flandern. Miscellanea zur Gallia Pontificia und zur Diplomatie*, ed. K. Herbers and W. Konighaus, *Abhandlungen der Akademie der Wissenschaften zu Göttingen*, NF, 26 (Berlin, 2013), 191–267, at 233–42 and 263. Although far from comparable, since the Curia was then much larger, it is useful to look at the organization of papal itineration through Lazio in

residence and ask for a night's lodging; nor could pope and Curia travel at will through the lands of the king of France or of any other territorial prince. There were questions of diplomatic protocol as well as expenses and security to be considered, especially since most of the financial burden, as it had been in Innocent II's 'visitation of the French churches' in 1130–2, was borne by the hosts.¹⁹ In fact, the main stages of the progress through France in 1147–8 were agreed with Louis VII and Abbot Suger. It was they who sponsored the Easter celebrations at Saint-Denis in 1147 and the seven-week residence in Paris;²⁰ the almost three months' residence in Trier followed an invitation from Archbishop Albergo;²¹ the almost six weeks in Reims, and the council, had the support of the archbishop of Reims, Samson de Mauvoisin (1140–61) and Suger of Saint-Denis, then regent of France;²² the ten weeks in Auxerre were probably hosted by the Cistercian bishop, Hugh of Mâcon (1137–51), a former abbot of Pontigny; and other visitations responded to requests from individual bishops and abbots to consecrate new altars or churches.

The chancery practice of dating its documents in the Roman fashion, by the location and the day of the month (and for solemn privileges, the pope's regnal year, the year of grace, and other chronological marks), has greatly simplified the problem of establishing the itinerary of a travelling pope. For Eugenius, there are two fundamental sources. The second volume of Jaffé-Loewenfeld's *Regesta pontificum Romanorum* (1888) arranges the documents then known by place and date, together with chronologically significant references in other sources, and, for the trans-Alpine itinerary, Horn's *Studien zur Geschichte Papst Eugens III.* (1992) augments Jaffé's data with materials published in the intervening century, and provides a very

the thirteenth century: A. Paravicini-Bagliani, 'La mobilità della corte papale nel secolo XIII', in *Itineranza Pontificia. La mobilità della curia papale nel Lazio (secoli XII–XIII)*, ed. S. Carocci (Rome, 2003), 3–78; cf. *ibid.*, 45–7, for the rate of progress.

¹⁹ Suger of Saint-Denis, *Vita Ludovici regis VI. qui grossus dictus*, *PL*, clxxxvi, 1332 (*MGH SS*, xxvi, 58; trans. R. Cusimano and J. Moorhead, *Suger: the deeds of Louis the Fat* [Washington D.C., 1992], 149), 'visiting the churches of the French and supplying his wants from their wealth (*Galliarum ecclesias visitando, et de earum copia inopiae suae defectum supplendo*)'.

²⁰ Below at nn. 29 and 99.

²¹ *Gesta Adalberonis archiepiscopi Treverensis auctore Balderico scholastico Trevirensi a. 1132–1152*, ed. G. Waitz, *MGH SS*, viii (1848), 243–60, at 254. This same Albergo had been consecrated by Innocent II at Vienne on 2 March 1132: *ibid.*, 250.

²² Indeed, it is possible that Suger persuaded the pope to change his mind in favour of Reims, since there is some evidence that he had originally chosen Troyes as the location: see the discussion in Horn, *Studien*, 202–3; cf. esp. *PL*, clxxx, 1283 no. 229 (to Suger) and 1284–5 no. 232 (to Eberhard of Salzburg). Note that *PL*, clxxx, 1284 no. 231 (to Henry of Olmütz) is a modern forgery. The consistory which heard the case against Gilbert de la Porrée sat in the *Tau*-shaped chamber in the archbishop's palace: JS *HistPont*, 25; *Gesta Frederici*, 82.

helpful map.²³ On these secure bases, despite occasional *lacunae*, it is possible to trace the pope's movements with tolerable accuracy.²⁴

The papal court set out from Viterbo at the very beginning of 1147, following the ancient *Via francigena* north via Vercelli (2 March) to Susa (7–8 March) and Oulx (c.9 March) in western Piedmont,²⁵ whence, travelling by way of the Montgenèvre pass, the papal caravan reached Lyon by 22 March.²⁶ Arriving at Cluny by 26 March, Eugenius continued to Dijon where, on 30 March he was met by Louis VII and emissaries from Conrad III of Germany (1127–52),²⁷ with whom he discussed the projected crusade, before continuing his journey in Louis's company. After consecrating the rebuilt abbey church of Saint-Bénigne in Dijon on the following day,²⁸ the papal court travelled to Magny-Lambert, near Avallon (3–4 April), Clairvaux (6 April), Troyes (10–11 April), and Provins (13 April), thence through the region of Meaux (15 April), pausing at the ancient monastery of *Latiniacum* (Lagny-sur-Marne) on 16 April, and reaching the splendidly re-built abbey of Saint-Denis in time for Easter.²⁹

The accounts of Eugenius's Easter celebrations are disappointingly meagre and imprecise. Suger, for example, recorded only that the pope had consecrated the new golden crucifix (which Suger had commissioned) on the day of his arrival at Saint-Denis to celebrate Easter (*Pascha*), placed in it a relic of the True Cross, and pronounced anathema on anyone who stole from it or dared

23 JL, ii, 20–89; Horn, *Studien*, 271–91, which supersedes R. Hiestand, *Initienverzeichnis und chronologisches Verzeichnis zu den Archivberichten und Vorarbeiten der Regesta pontificum Romanorum*, MGH Hilfsmittel, 7 (Munich, 1983), 180–8.

24 Note that the dates given below are based on surviving papal *acta* or narrative sources, but they do not provide absolute dates for the pope's residence at a particular location. For Itinerary and Map, see Appendix, below. For the map, I am very grateful to Dr Duncan Probert, Visiting Research Fellow in the History Department of King's College London.

25 By way of S. Flaviano (outside Montefiascone), Marturi (Poggibonsi), Siena, Lucca, Pontremoli, Vercelli, Susa, and Oulx: JL, ii, 37–9.

26 Although the route Vercelli–Susa–Oulx–Lyon seems to suggest that Eugenius entered 'France' by way of the Mont-Cenis pass, Horn argues, *Studien*, 271–2, that he took the more southerly route across the Montgenèvre pass, and then through Embrun, Gap, and Valence. Calixtus II had passed through Valence and Embrun on his way back to Italy in 1120, and Innocent II traversed the Montgenèvre in 1132: JL, i, 793–4 and 856.

27 Inspired to take the cross after hearing Bernard of Clairvaux preach at Speyer.

28 Horn, *Studien*, 271–2 (JL, ii, 39–40). The German emissaries were led by two bps (Bucco of Worms, Anselm of Havelberg) and two abbots (Wibald of Stavelot, Otto of Frankenthal).

29 Horn, *Studien*, 272–4 (JL, ii, 40–1). The new abbey church had been consecrated in June 1144 in a magnificent ceremony attended by King Louis (VII) and Queen Eleanor (of Aquitaine), four abps (including Theobald of Canterbury) and thirteen bps: Suger of Saint-Denis, *Libellus de consecratione ecclesiae ac aedificatae et translatione corporum S. Dionysii ac sociorum ejus*, PL, clxxxvi, 1239–54, at 1250.

to lay a hand on it.³⁰ Suger's meaning is far from clear, since *Pascha*, the term for Easter, can imply either the whole sacred season of Passover or its culmination on the Easter Vigil (Holy Saturday–Easter Sunday). It is possible, therefore, that Eugenius followed Innocent II's example and timed his arrival in order to celebrate the Easter triduum of Maundy Thursday (17 April), Good Friday (18 April), and the Easter Vigil (19–20 April) at Saint-Denis, with all the ceremonial described in Suger's account of Innocent II's visitation in 1131.³¹ Two *acta*, issued on consecutive days, 15 and 16 April, the first *in territorio Meldensi* (in the Meaux region) on the Tuesday of Holy Week³² and the second at Lagny-sur-Marne on the Wednesday of Holy Week,³³ show him advancing towards the great royal monastery. Although one must allow the possibility that Eugenius celebrated Maundy Thursday and Good Friday at Lagny, it is surely much more likely that he had pressed on to Saint-Denis, only a day's journey (26 km) away.

What is certain, is that the Easter ceremonies culminated with the crowning of Louis VII in the abbey church on Easter Sunday morning (20 April),³⁴ following which the papal court transferred to Paris, where, on Easter Monday (21 April), the pope followed Roman custom in wearing the papal *phrygium* as he processed through the streets, before consecrating the upper church of the royal convent of Saint-Pierre de Montmartre in the presence of the royal court and celebrating Mass there. It must have been a splendid occasion, with Bernard of Clairvaux and Peter the Venerable of Cluny acting as deacon and sub deacon respectively.³⁵ For the next seven

30 Suger of Saint-Denis, *Liber de rebus in administratione sua gestis*, PL, clxxxvi, 1211–40, at 1232–3.

31 Suger, *Vita Ludovici regis*, 1331–2 (MGH SS, xxvi, 58; trans. Cusimano and Moorhead, 148–9). Innocent II was ceremonially received by the monks on the day before Maundy Thursday; on the day itself, he conducted ceremonies in the abbey 'in the Roman fashion (*more Romano*)'; on Good Friday, he 'followed' the crucifixion and venerated the Cross; on Easter Saturday, he observed the vigil of the resurrection; and on Easter Sunday, he and the cardinals and attendants went very early to the priory of Saint-Denis *ad stratam* (now the rebuilt church of Saint-Denis de l'Estrée), where they put on their ceremonial robes, mounted their horses, and processed two by two (*geminanti*), attended by the barons and castellans of St Denis, who held the reins of their horses, while some (*quidam*) scattered money among the crowd, as they processed back to Saint-Denis. There the Easter Mass was celebrated with particular splendour. After the Mass, tables were laid out in the cloister, where lamb and other 'noble' dishes were served; and on Easter Monday, the procession was repeated, from the church of Saint-Rémi (about 500 metres east of the abbey) to the main church. Three days later, the papal court transferred to Paris.

32 JL 9020; PL, clxxx, 1204–5 no. 167; see below, at n. 90.

33 Privilege for Balerne (O.Cist.): Horn, *Studien*, 273; not in JL.

34 *Chronicon S. Dionysii*, d'Achery, *Spicilegium*, ii, 495, 'in pascha magnifice suscipitur et coronatur'.

35 *Gallia Christiana*, vii, 613; B.K. Young, 'Archaeology in an Urban Setting: excavations at Saint-Pierre de Montmartre, Paris, 1975–1977', *Journal of Field Archaeology*, 5 (1978), 319–29, at 321

weeks (20 April–c.7 June), the papal court conducted the normal business of the papacy in Paris as if it were in Rome, punctuated by special events, like the general chapter of the Templars, which Eugenius attended in the company of King Louis (27 April)³⁶ and a second visit to Saint-Pierre de Montmartre, where he consecrated the main altar in the crypt chapel in honour of St Denis and his companions (the martyrs from whom the *mons martyrum* took its name), and granted indulgences (1 June).³⁷

From Paris, Eugenius moved to Meaux (c.13–30 June 1147), pausing *en route* at Saint-Denis (10–11 June), where he blessed King Louis and Queen Eleanor as they departed for the Second Crusade, and at Lagny-sur-Marne (11 June). From Meaux he passed to Auxerre, where he stayed for a total of ten weeks (13 July–9 September and 25 September–12 October), probably as the guest of Bishop Hugh, interrupted by a short but important tour of Cistercian houses: Cîteaux for the General Chapter (14–17 September), Saint-Seine-l'Abbaye (19 September), and Fontenay (21 September).³⁸ Then in mid-October, the caravan began its progress to Trier, passing in easy stages through Saint-Florentin (13 October), Châlons-sur-Marne³⁹ (c.24 October–3 November), and Verdun (5–22 November), reaching Trier on 29 November, where it remained as the guest of Archbishop Alberic for three months, until 13 February 1148.⁴⁰ From Trier, it progressed by way of an unidentified location ('Sarranium': probably the crossing-point on the River Saar (now Saarbrücken: 15 February) where there was a ferry in the twelfth century), Metz (18 February), and Verdun⁴¹ (22–27 February), to Reims (9 March–18 April), where Eugenius had summoned a 'general' council of bishops and abbots to meet on mid-Lent Sunday (21 March). This was an important international gathering, attended by at least forty archbishops and bishops and about twenty abbots, together with

(which mistakenly calls Bernard and Peter 'acolytes'). The *phrygium* was the distinctive papal adornment consisting of a closed, helmet-shaped headdress, with a circlet of gold, as worn by Innocent II at Saint-Denis in 1131: Suger, *Vita Ludovici regis*, 1331 (*MGHSS*, xxvi, 58; trans. Cusimano and Moorhead, 148): 'frigium, ornamentum imperiale, instar galeae circulo aureo circinatum'. Its use was confined to such non-liturgical public processions, or when the pope pronounced judgment. When the pope conducted liturgical ceremonies, he wore an episcopal mitre.

36 Horn, *Studien*, 274–6; JL, ii, 41–4; *Gesta Adalberonis*, 254; cf. below, at n. 99. One such event was marred by tumult and disorder. During the course of a solemn High Mass in Sainte-Geneviève on 25 April, a violent dispute broke out between the canons and the papal attendants: Horn, *Studien*, 276.

37 See Eugenius's letter, issued from Meaux on 13 June: *PL*, clxxx, 1242 no. 194.

38 Horn, *Studien*, 276–81; JL, ii, 44–9; cf. below, at n. 100.

39 Now named Châlons-en-Champagne.

40 Horn, *Studien*, 281–4; JL, ii, 49–51; cf. below, at n. 101.

41 Where Cardinal Alberic died: *Studien*, 285.

an indeterminate number of lesser clerics.⁴² After Reims, Eugenius began the long journey back to Italy, making some haste, so it was alleged, because of the bad news about the reverses suffered by the German and French crusaders, which was filtering back to the West,⁴³ although comparison of the outward journey with the inward journey does not support that assertion. The papal court travelled by way of Châlons-sur-Marne (20 April), Brienne-le-Château (23 April), 'Barum' (? Bar-sur-Aube) (23/24 April), Clairvaux (24–6 April), Langres (27–30 April), Besançon (5–7 May), Lausanne (14–20 May), Saint-Maurice d'Agaune (25 May), and Martigny (27 May), and re-entered Italy through the Great St Bernard Pass, reaching Vercelli in mid-June.⁴⁴

This somewhat desiccated list of places and dates gives a sense of the range and sometimes the speed of the papal progress, but it conveys nothing of the impact of such visits on the host city, cathedral, or monastery, and sometimes on all three together. Where Eugenius consecrated an altar or a church, there is often little detail, apart from the place and date.⁴⁵ Occasionally, however, there are contemporaneous accounts by eyewitnesses, which provide precious insights into the way in which such ceremonies were perceived.

Châlons-sur-Marne

Something of the impact of liturgical ceremonies conducted by the pope can be judged from the report of the papal residence in Châlons-sur-Marne from 24 October to 3 November 1147.⁴⁶ There, on Sunday 26 October, Eugenius consecrated the high altar of the not-yet-completed cathedral of Saint-Étienne, and celebrated Mass. For the pope and his entourage this ceremony was nothing out of the ordinary, but for the clergy and people of Châlons the event was an unforgettable occasion in the life of their city, which they took care to have recorded for posterity by a public notary.

42 These are Horn's conservative estimates (*Studien*, 203), which might be revised upwards, but the exaggerated figure of 1,100 (*mille centum*) transmitted in the Continuation of Sigebert of Gembloux (*MGH SS*, vi, 390) is highly unlikely; that of the *Annals of Melk*, four hundred and more (*quadringentorum et eo amplius episcoporum et abbatum*), is marginally possible as an estimate of the total number of clerics present (*MGH SS*, ix, 504). For the decrees, see Duggan, 'Justinian's Laws not the Lord's', above, Ch. 1, at n. 131.

43 Reported in JS *HistPont*, 45; cf. H.E. Mayer, *The Crusades*, trans. J. Gillingham, 2nd edn (Oxford, 1988), 100–2.

44 Horn, *Studien*, 289–91; JL, ii, 56–8.

45 E.g. the dedications of Saint-Bénigne in Dijon on 31 Mar. 1147 (above, at n. 28) and Fontenay (O.Cist.) on 21 Sept. 1147 (Horn, *Studien*, 280).

46 Horn, *Studien*, 281, reads 21 Oct.

The original notarized document survives in the Archives départementales de la Marne, together with two copies.⁴⁷ It names the two cardinal bishops, three cardinal priests, thirteen cardinal deacons, and four local bishops (Bartholomew of Châlons-sur-Marne, Theobald of Paris, Hugh of Auxerre, and Geoffrey of Nevers) who conducted the ceremony in the presence of seven named abbots (Peter the Venerable of Cluny, Odo of Saint-Rémi, Odo of Saint Memmie, Theobald of Montier-en-Der, Louis of Saint-Pierre-aux-Monts, Robert of Saint-Sauveur de Vertus, and Ebermar of Huiron), 'and many other abbots and clerics whose names are unknown'.⁴⁸ After the bishops had blessed the walls of the cathedral inside and out, Eugenius consecrated the main altar and, at the request of Bishop Bartholomew, enclosed in it relics taken from his own altar; he then celebrated a solemn High Mass (*sollempniter*), in which the bishops of Châlons-sur-Marne and Nevers acted as his principal liturgical assistants (precentors), and, to add to the spectacle, the Mass coincided with a solar eclipse.⁴⁹ Following the Mass, the pope, bishops, and cardinals went into the bishop's garden (*iardum*), where Eugenius preached to the people. The notary did not record whether he spoke in Latin or in French, or whether the sermon was translated by the bishop or by one of the French cardinals, but it is likely that he addressed the people in the vernacular. He could certainly speak French, for he used the Gallic tongue (*Gallica utens lingua*) in the following year (1148), at Reims, to explain for the benefit of lay observers that the destruction of the quire (*quaternum*) containing the alleged teachings of Gilbert de la Porrée, bishop of Poitiers, did not imply Gilbert's condemnation, because the opinions it contained were not his, and he had been found Catholic on all points.⁵⁰ The consecration of the main altar at Châlons-sur-Marne was a spectacular public occasion in the city, which involved not just the clerical élite of Châlons and the surrounding country, but the whole population.

47 L. Falkenstein, 'Zur Konsekration des Hauptaltars in der Kathedrale von Châlons-sur-Marne durch Eugen III. am 26 October 1147', in *Papstgeschichte und Landesgeschichte: Festschrift für Herman Jacobs zum 65 Geburtstag*, ed. J. Dahlhaus, A. Kohle, et al. (Cologne, 1995), 297–328, esp. 324–7 for the text. Modena commemorated Lucius III's consecration of the reconstructed cathedral of S. Gimignano (1184) with a fine marble slab, which can still be seen on the south wall between the Porta Regia and the Porta dei Principi. It lists the ten cardinals, two abps, four bps, and other dignitaries who were present, the indulgences granted, and the pope's ceremonial exit from the city two days later: *Il Duomo di Modena*, ed. C. Frugoni, 3 vols (Modena, 1999), I, 187 no. 194.

48 Falkenstein, 'Zur Konsekration', 326.

49 Also recorded in the *Chronica regia Coloniensis*, *MGH SRG*, xviii, 82. The Mortemer continuation of Siebert of Gembloux, *MGH SS*, vi, 465, mistakenly reads 5 (= 28 Nov.) instead of 7 Kal. Nov.

50 JS *HistPont*, 23.

One further detail is worthy of comment. The notarized record emphasized that Eugenius had been invited by the bishop (Bartholomew), that it was at his request that the pope had enclosed the relics of St Nympha in the cathedral's new altar, and that the bishop's lavish hospitality was given 'not from obligation but from courtesy (*non ex debito sed ex gratia*)'. This tells a great deal about the courtesy for which Eugenius was famous. It also says something about his respect for the integrity of the local bishop's authority in his own diocese. The participation of the pope and cardinals in the consecration of the new cathedral church was the conferment of a favour, not the exercise of a right. Such public ceremonies presented the pope as the chief bishop of the Church, performing spiritual duties that linked his office to that of every other bishop in Latin Christendom; and it was in this spirit that Eugenius was welcomed and entertained in Châlons-sur-Marne.

Verdun

A day or so later, Eugenius was in Verdun, where he spent about a fortnight (5–c.22 November) at the invitation of Bishop Albero (1131–56),⁵¹ during which he participated in two major events: the consecration of the cathedral church in honour of the Virgin and the translation of the relics of St Vanne (S. Vito).⁵² On 5 November, the pope entered the city amid general rejoicing, as the whole city danced in the streets (*tripudiante tota hac civitate*), and four days later, accompanied by Bishop Albero and the cardinals, he processed to the monastery of Saint-Vanne for the translation of the saint's relics to a new shrine. The delight of the local chronicler, who described the solemnity in full, is palpable. On the patronal feast (9 November), Eugenius, assisted by Bishop Albero, placed the relics of St Vanne in their splendidly prepared new location, in the presence of a great crowd of ordinary people (*astantibus innumera multitudine plebium*). Then he celebrated Mass and, after the Gospel had been read, he went up into the pulpit (*ambo*), again accompanied by the bishop, and some others, and preached to the congregation, making special mention of St Vanne, and directing that his feast should be celebrated every year. Again, the chronicler did not record which language Eugenius used, and it may be that the bishop, or one of the *alii* who were standing with him, translated his

51 Who had been ordained priest and consecrated bp by Innocent II on Holy Saturday and Easter Sunday 1131 'in Paris (?Saint-Denis)': Laurentius, *Gesta episcoporum Viridunensium*, ed. D.G. Waitz, *MGH SS*, x (Hanover, 1852), 508.

52 Horn, *Studien*, 282.

Latin into German for the benefit of the *multitudo plebium*. These ceremonies, and the pope's demeanour in them, so impressed the anonymous chronicler, that he was inspired to conclude his narrative with a little verse in which he praised the marvellous workings of Christ, who had so disposed things 'that the pope, leaving the toga-clad people, came to these shores and enriched us with this gift, as he paid honour to the saint and translated his body with his own hands, and after such a noble deed, he established the festival for ever':

Quod vir apostolicus, togata gente relictā
 Venit ad hos fines et nos hac dote beavit,
 Dum sanctum coluit manibusque suis relocavit,
 Et post tale decus celebrem per seculas anxī.⁵³

Two days later, at Martinmas (11 November), Eugenius consecrated Verdun's newly built cathedral church of Notre Dame,⁵⁴ no doubt with pageantry similar to that displayed at Châlons-sur-Marne. For a broad spectrum of the population of Verdun, from the bishop sharing the pulpit with the pope to the dancing towns-people, from the abbot and monks of Saint-Vanne to the throng of ordinary *plebs* crowding round the new shrine, there can be little doubt that the papal visit was a matter of communal pride and rejoicing.

Trier

With the bells of Verdun ringing in their ears, pope and Curia moved on to the great city of Trier on the River Mosel, where they spent the whole of the Christmas season and two months beyond in 1147–8. In addition to its splendid Constantinian basilica, dedicated to St Peter, at the heart of the old Roman city, Trier boasted three important foundations outside the city walls: the Benedictine monasteries of St Maximin and St Eucharius (later called St Matthias) and the collegiate church of St Paulinus, all three commemorating early bishops of Trier. The reporter on this occasion was Baldric of Florennes (dioc. Liège), master of the cathedral school (*scholasticus*), who had been recruited by Archbishop Albero in the previous spring (1147), when Albero heard him present cases before Pope Eugenius at Paris.⁵⁵ Inserted into his *Deeds of Albero Archbishop of Trier* is a remarkable description of

53 *Gesta episcoporum Viridunensium, continuatio 1*, MGH SS, x, 516–17, at 517.

54 *Annales Sancti Vitoni Viridunensis*, MGH SS, x, 527.

55 *Gesta Adalberonis*, 254.

Eugenius III's residence in Trier – a detailed account that qualifies as one of the most complete records of a papal visit to a city outside Italy. For this reason, it deserves to be quoted in full.⁵⁶

In the same year, on the Sunday on which *Ad te levavi* is sung,⁵⁷ the Lord Pope Eugenius came to the city of Trier, as he had been invited by the lord archbishop, and was honourably accommodated in the monastery of St Eucharius⁵⁸ on the Saturday before (29 Nov.). On the Sunday itself, he was with the greatest respect led into the cathedral (*Templum*) by the clergy and people, with the memorable solemnity and splendour of an extraordinary procession: conducted by lord Albero on the right and by Arnulf (Arnold I, 1138–50/51) archbishop of Cologne on the left, and preceded by many bishops from Germany, *Belgica* [*prima*], France, England, Burgundy, Lombardy, Tuscany (*Tuscia*) and from every nation under heaven.

The many bishops are not named,⁵⁹ but Baldric took the trouble to record in precise detail the names and titles of the cavalcade of cardinals:

Nor is it troublesome to list the cardinals who came to Trier with the Lord Pope Eugenius. For these men were worthy of respect for their mien, bearing, gesture, learning, and character, and deserved immortal record for their great probity. These are their names, which we hope will more properly be inscribed in the Book of Life. Cardinal bishops: Alberic of Ostia, Imar of Tusculum; (cardinal) priests: Guy Summa,⁶⁰ Aribert of

56 Trans. AJD, from *Gesta Adalberonis*, 254–5; cf. Horn, *Studien*, 282–4.

57 The first Sunday in Advent (30 Nov. 1147), and thus a very significant day for the *adventus pape*. Compare the entry into Rome in Dec. 1145, Boso, *Vita Eugenii*, 387; *Le Liber censuum de l'église romaine*, ed. L. Duchesne et al., 3 vols (Paris, 1889–1952), ii, 306; S. Twyman, *Papal Ceremonial in Rome in the Twelfth Century* (London, 2002), 197–200.

58 Below, nn. 79 and 80.

59 The presence of an impressive number of dignitaries can be established from papal *acta* issued at the time: the abps of Trier and Cologne (Albero and Arnold), two further abps (Henry of Mainz, and Baldwin of Caesarea) and one abp-elect (Henry of York, a Cistercian disciple of Bernard of Clairvaux, was consecrated later by Eugenius on 7 Dec.: below, at n. 78), four bps (Hartwig of Geneva, Amadeus of Lausanne, Albero of Verdun, Sueno of Viborg [Denmark]), and four abbots (Bernard of Clairvaux, Alolf of Fulda, Wibald of Stavelot-Malmédy, Adam of Ebrach), Primicerius Albert of Verdun, and Archdeacons Walter and Geoffrey of York (Horn, *Studien*, 283–4) – and there may have been others.

60 Guido da Somma, CP of S. Lorenzo in Damaso 1143–9, CB of Ostia, 1149–51 (Brixius, 49–50, 97–8 no. 102). A. Ambrosioni, 'Alessandro III e la Chiesa Ambrosiana', in *Miscellanea Rolando Bandinelli. Papa Alessandro III*, ed. F. Liotta (Siena, 1986), 1–41, at 13 and n. 30, argues, in agreement

S. Anastasia,⁶¹ Master Guidodens, a highly educated man, learned in the laws and jurisprudence (*iura*),⁶² Julius of S. Marcello,⁶³ Hugh of Novara,⁶⁴ Master Hubald,⁶⁵ Gilbert of S. Marco,⁶⁶ John Papiro (Paparo);⁶⁷ and from the cardinal deacons: Octavian, a man of noble birth and nobler in morals, notable for honour and generosity, a special supporter (*amator*) of the Germans;⁶⁸ Guy of Crema, a man of the highest blood and extremely courtly (*valde curialis*) and charming in speech;⁶⁹ Odo Bonacasa, the mildest of men, sprung from the Roman nobility, affable and kind to all;⁷⁰ John of S. Maria Nuova, a man of the most delightful courtesy, adorned with holiness and exemplary morals;⁷¹ and Gregory of S. Angelo, a man of lively intellect, ready and prepared for everything that was appropriate to the honour and utility of God's Church.⁷² What should I say about Hyacinth, who surpassed every hyacinth (*iacinctum*) in the splendour of his virtues, who drew all men into his love by the sweetness of his discourse, whom to hear and see was to learn a sense of honour.⁷³ Neither shall I be silent about Guido of Pisa, the most prudent of men and noted for the brevity of his speech (*breviloquio*).⁷⁴

with Tillmann, *Ricerche*, ii/2, 398–9, that he was from Milan, not Siena, as suggested by Zenker, 20–1.

61 1143–56: Brixius 49, 97 n. 99

62 CP of (S. Pudenziana) of the title of Pastor 1144–57: Brixius, 51, 102–3 n. 110; Zenker, 112–13.

63 1144–58, CB of Palestrina 1159–61: Brixius, 52, 104–5 n. 114

64 Below, n. 91.

65 CP of SS. Giovanni e Paolo 1142–9: Brixius, 43, 90–1 n. 65

66 1143–50: Brixius, 42, 87 n. 52.

67 Here misplaced among the CPs. John was CD of S. Adriano 1143–51, CP of S. Lorenzo in Damaso 1151–4: Brixius, 50, 99–100 n. 104.

68 Octavian de Montecello, CD of S. Nicola in Carcere Tulliano 1138–51, CP of S. Cecilia 1151–9, antipope Victor IV 1159–64: Brixius, 45, 92–3 n. 73. John of Salisbury called him a 'cultor (sycophant) Teutonum', JS *HistPont*, 75.

69 CD of S. Maria in Porticu 1145–58, CP of S. Callisto (= S. Maria in Trastevere) 1158–64. He supported Octavian ('Victor IV') and succeeded him as antipope Paschal III 1164–8: Brixius, 54, 107–8 n. 125.

70 CD of S. Giorgio in Velabro 1132–62: Brixius, 45, 93 n. 74.

71 John, a nephew of the papal Chancellor Gerard (later Pope Lucius II 1144–5), CD of S. Maria Nuova 1143–52: Brixius, 50, 100–1 n. 105.

72 1143–54: Brixius, 49, 97 n. 101.

73 *Gesta Adalberonis*, 255, 'qui eloqui in sui dulcedine omnes in amorem sui tractabat, quem audire atque videre, honestatem discere erat'. Hyacinth was CD of S. Maria in Cosmedin 1144–91 and Pope Celestine III 1191–8: Brixius, 52, 104 n. 112. On him see *Pope Celestine III (1191–1198): diplomat and pastor*, ed. J. Doran and D.J. Smith (Farnham, 2008).

74 CD of SS. Cosma e Damiano 1132–49, chancellor 1146–9, and an experienced diplomat: Brixius, 43, 89 n. 61; Zenker, 146–8.

Lying behind this detailed list one may suspect the existence of a formal record, similar to the *notae* made when Eugenius later consecrated the churches of St Eucharius and St Paulinus, just outside the walls of Trier,⁷⁵ and akin to the notarized report drawn up in Châlons-sur-Marne. Baldric of Trier was more exuberant than any of them, however, expatiating on the grandeur of the ceremonial and emphasizing the generosity of the archbishop:

For twelve weeks without a break the archbishop freely bestowed everything that was needed to all of them with such generosity that they openly acknowledged that supplies had come to them in a full horn. What should I say about the archbishops, bishops, abbots, archdeacons, provosts, dukes, counts, who came to the Lord Pope at Trier, of whom not even one left without a gift. Who is able to describe in words the celebration of the feast of the Lord's Nativity at Trier so that you, who did not see it, can grasp or imagine it? How splendid would you think the procession on that holy day to have been, as the lord pope, riding with a ceremonial horse coverlet (*cum nacco*), preceded by a multitude of cardinals and bishops on horses covered in white, processed to and from the church of St Paulinus,⁷⁶ and conducted the solemn Mass with such a crowd of people, that you would not be able to find the space of a single foot empty in the whole of the church [cathedral] of St Peter. What if I were to tell how on that holy day, when the solemn office had been completed, the lord pope with his cardinals and the lord archbishop with the bishops who had assembled there sat opposite one another at table, adorned with the symbols of their dignity (*infulati*).⁷⁷ By what skill can anyone estimate the amount and cost of it all? I should also say that he [Archbishop Albero] built the house, which is called 'the pope's house', in the six weeks before the lord pope's arrival – a building with three floors; and he repaired the almost destroyed house called 'Jerusalem'. But no matter how silent I may be, the event will speak and bring it back to memory.

75 Below, at nn.80 and 84.

76 Collegiate church, founded outside the city walls by Egbert of Trier (977–93) in honour of St Paulinus, bp of Trier 349–58. Compare Baldric's description of the procession with Suger's account of Innocent II at Saint-Denis and Paris in 1131, where Suger emphasized twice that the ceremonies were conducted *more Romano*: *Vita Ludovici regis*, PL, clxxxvi, 1331–2 (MGH SS, xxvi, 58; trans. Cusimano and Moorhead, 148). The right to use white saddlecloths was an ancient distinction accorded to the Roman clergy: L. Duchesne, *Christian Worship: its origin and evolution: a study of the Latin liturgy up to the time of Charlemagne*, trans. from the 4th French edn by M.L. McLure (London, 1912), 396–7.

77 Probably white mitres (from *infula/ae*).

Here again the bilateral character of such events is evident in the equal weight given to the splendour of the papal processions and the extravagant generosity of Trier's metropolitan. Papal guest and archiepiscopal host conferred mutual benefits of dignity and honour upon each other, and the ancient imperial city of Trier basked in the reflected glory.

Trier, St Eucharius (OSB), and St Paulinus (collegiate foundation)

Detailed as it is, Baldric's account omitted a number of other important liturgical ceremonies conducted during the residence in Trier: the consecration of Henry Murdac as archbishop of York on 7 December, for example, which is recorded in an English chronicle,⁷⁸ and the consecrations of the abbey church of St Eucharius (now St Matthias) and of the collegiate church of St Paulinus on 13 and 31 January 1148 respectively, the details of which survive in transcriptions of what their nineteenth-century editors called *Notae*, that is, the formal memoranda made on the occasion. At the request of its abbot (Bertolf) Eugenius, accompanied by the archbishops of Trier and York, the bishops of Lausanne and Geneva, and seventeen named cardinals, came to the ancient monastery of St Eucharius on 13 January.⁷⁹ The pope and Archbishop Albero consecrated the principal altar (to SS. John the Evangelist and Eucharius, the apostles Philip and James, and Pope Stephen I) and the altar at the tomb of St Matthias, while Imar, cardinal bishop of Tusculum, Amadeus of Lausanne, Henry of York, and Hartwig of Geneva individually consecrated another four, to all of which they attached liberal indulgences for the faithful who came to pray.⁸⁰ Among the relics, of course, were the bodies of St Eucharius, the first bishop of Trier, and, even more important, the remains of the apostle Matthias,⁸¹ deposited there by the Empress Helena, mother of Constantine, which made the monastic church a major pilgrimage centre. A month later, Eugenius received the monastery into St Peter's protection, confirmed its rights and properties, and, most importantly, reiterated its right of free abbatial

78 John of Hexham, *Historia* (continuation of Symeon of Durham), ed. T. Arnold, in *Symeonis monachi opera omnia*, 2 vols, RS 75 (1882–5), ii, 321.

79 Benedictine monastery, now St Matthias, founded outside the city by Abp Egbert of Trier (977–93).

80 *Notae dedicationum S. Eucharii Treverensis*, ed. H.V. Sauerland, *MGH SS*, xv/2, 1277–80, from a fifteenth-century copy; cf. *Gesta Treverorum continuatio II*, *MGH SS*, xxiv, 378.

81 Nominated to take the place of Judas: *Acts*, 1: 22–6.

election.⁸² Equally splendid was the consecration of the collegiate foundation of St Paulinus to Mary, the Mother of God and All Saints, on 31 January 1148, in which Eugenius personally consecrated the main altar in the choir, assisted by *boni cooperatores* – three archbishops (Albero of Trier, Baldwin of Caesarea, Henry of York), two bishops (Sueno of Viborg and Hartwig of Geneva), and one cardinal bishop (Imar of Tusculum), nine cardinal priests, eight cardinal deacons, and five *subdiaconi cardinales* (Vincent, Raynald, Urrigo, Henry, and Hugh),⁸³ following which, Baldwin of Caesarea consecrated the crypt and its altar, again with liberal grants of indulgence.⁸⁴

The principal purpose of the memoranda drawn up at St Eucharius and St Paulinus was to record the relics, the consecrations, and the various indulgences conferred by the pope, the cardinals, and the other ecclesiastical dignitaries. They functioned more like legal testimonials than historical records, and said nothing about the presence or participation of the lesser clergy and of the people of Trier. Yet one can be sure that large numbers were involved in the celebrations, either as participants or as spectators. The churches of SS. Eucharius and Paulinus, both centres of pilgrimage, would surely have been as thronged as the cathedral of St Peter had been on Christmas Day.

Besançon

The final stages of his return journey to Italy were marked by two major liturgical events, in Besançon and at the ancient monastery of Saint-Maurice d'Agaune,⁸⁵ although little has been recorded about the latter. The consecration of the cathedral church of Saint-Jean in Besançon on 5 May 1148 was

82 *PL*, clxxx, 1303–4 no. 251 (6 Feb. 1148), at 1304: 'Obeunte vero te nunc ejusdem loci abbate vel tuorum quolibet successorum, nullu sibi qualibet subreptionis astutia seu violentia praeponatur nisi quem fratres communi consensu vel fratrum pars consilii senioris secundum Dei timorem et beati Benedicti Regulam providerint eligendum.' Here Eugenius was following the precedent established by his papal patron, Innocent II: see A.J. Duggan, *Jura sua unicuique tribuat*: Innocent II and the advance of the learned laws', in eadem, *Innocent II*, 272–310, at 294–6.

83 The subdeacons of the Roman Church, ordained by the pope, constituted an important junior rank in the clerical establishment. Although its focus is later, see A. Ambrosioni, 'Alessandro III e la chiesa Ambrosiana', in *Miscellanea Rolando Bandinelli: Papa Alessandro III*, ed. F. Liotta (Siena, 1986), 1–41, at 35–40.

84 *Notae dedicationum S. Paulini Treverensis*, ed. O. Holder-Egger, *MGH SS*, xv/2, 1275–7, from twelfth- and thirteenth-century copies. The earlier church, consecrated by Leo IX at the request of Abp Eberhard in 1049 (*ibid.*, 1276), had been destroyed by fire in 1093.

85 Horn, *Studien*, 291. This great monastery celebrated its 1500th anniversary in 2015: see *L'abbaye de Saint-Maurice d'Agaune, 515–2015*, ed. B. Andenmatten, *et al.*, 2 vols (Gollion, 2015).

evidently an impressive occasion, however. The ceremony was conducted by the pope, assisted by Archbishop Humbert of Besançon (1134–62) and two further archbishops (Baldwin of Caesarea, Henry of York), four bishops (Arnaldo of Astorga, Hugh of Auxerre, Navarro of Coria, Garsandario of Mantua), and seventeen cardinals.⁸⁶ The presence of prelates from the Holy Land, England, France, Spain, and Italy must have added greatly to the sense of occasion. More importantly, perhaps, in the light of the disheartening intelligence from the Holy Land, the presence of Bishop Navarro could have been read as a sign that not all was lost in the struggle against Islam, for the bishopric of Coria had only just been restored to Christian use, following its liberation from Muslim control by Alfonso VII of León and Castile in 1142. Like his colleague Arnaldo, Navarro had been one of the Spanish contingent at Reims, and they would have brought news of Alfonso's recent capture of Almería (October 1147).⁸⁷

* * * * *

Such splendid and memorable occasions were only the high points of an itinerary that enabled Eugenius to bring the papacy to the bishops and people of France and northern Germany more comprehensively than any predecessor. As well as the impressive public ceremonial of the *ecclesia Romana*,⁸⁸ he brought with him the more mundane services of the Curia. It is evident from the mass of surviving *acta* that the travelling chancery was organized to prepare even the most formal privileges 'on the road', as it were. One particularly interesting example is the privilege *Religiosis desideriis* for the Cistercian monastery of Foigny, whose date, *in territorio Meldensi*, shows that it was issued at a temporary halt on the journey to Saint-Denis, yet it bears all the marks of a solemn privilege: witnessed by Eugenius himself and the cardinals,⁸⁹ and completed by the 'great date':⁹⁰

86 Their presence can be established from the privilege issued on 7 May 1148, at Besançon, for Prior Peter and the brethren of the Holy Sepulchre in Jerusalem: *PL*, clxxx, 1348–50 no. 300, at 1350. The evidence presented here supports conclusions very different from those in L.I. Hamilton, *A Sacred City: consecrating churches and reforming society in eleventh-century Italy* (Manchester, 2010).

87 Eugenius had explained to King Alfonso on 27 April 1148 that he had kept Bp Navarro in his entourage because his diocese was too poor to support him (*PL*, clxxx, 1345–7 no. 296, JL 9255); he was later translated to Salamanca (1151–8/9): R.A. Fletcher, *The Episcopate in the Kingdom of León in the Twelfth Century* (Oxford, 1978), 32.

88 Twyman, *Papal Ceremonial*; R.E. Reynolds, 'The Drama of Medieval Liturgical Processions', *Revue de Musicologie*, 86 (2000), 127–42, esp. 128, 131, 134, 137.

89 Although the names of only four are preserved in the cartulary copy.

90 *PL*, clxxx, 1204–5 no. 187; JL 9020; above, at n. 32.

Datum in territorio Meldensi per manus Hugonis, presbyteri cardinalis,⁹¹ agentis vices domni Guidonis, sancte Romane Ecclesie diaconi cardinalis et cancellarii,⁹² XVII Kalend. Maii, indictione X, Incarnationis Dominice anno 1147, pontificatus vero domni Eugenii pape tertii anno tertio.

It would also have been authenticated by a leaden *bull*a, attached by twisted silken cords in red and yellow. Nothing is otherwise recorded about the circumstances in which it was obtained, but one may presume some pressing urgency on the part of the monastic petitioners – perhaps the need to return to their own monastery in time for the Easter triduum, which began on the next day.

The papal *litter* thus made the Curia much more accessible to petitioners from beyond the Alps, with results that are quantifiable. A simple numerical comparison of the volume of surviving documents issued north and south of the Alps demonstrates the success of the transalpine *peregrinatio*. Migne's *Patrologia Latina* transmits 592 *acta* for Eugenius III, of which 142, that is almost 24% of the total, were issued in the 7% of the pontificate (fourteen months, mid-March 1147–27 May 1148) spent in the trans-Alpine regions,⁹³ and these proportions are confirmed by the second edition of Jaffé-Loewenfeld's *Regesta pontificum Romanorum*, ii (1888). Of the 1,036 letters and privileges calendared in the *Regesta*,⁹⁴ 265, or 25.5%, were issued outside Italy.⁹⁵ This proportion is all the more significant when it is compared with the 123 items calendared for 1149–50, which, at less than 6% per annum, confirms the impression of a steep decline in papal prestige in the immediate aftermath of the Second Crusade.⁹⁶ Although these figures are subject to revision upward in the light of new evidence,⁹⁷ the relative proportions are unlikely to change.⁹⁸

91 Hugh of Novara, CD of S. Lucia in Orpheo 1143, CP of S. Lorenzo in Lucina, 1144–50: Brixius, 50, 98 n. 103; Zenker, 123–5. Cardinal Hugh deputized for the chancellor 15 April–5 June (during his mission to Germany), 2 July, 17 Sept. 1147 and 27 May 1148: JL, ii, 21.

92 Guido da Caprona, of Pisa, CD of SS. Cosma e Damiano 1132–49 and chancellor 1146–9: Brixius, 43, 89 n. 61; Zenker, 146–8.

93 *PL*, clxxx, nos 162–303, issued between March 1147 and May 1148.

94 JL 8714–9735 + 'Supplementum' (ibid., ii, 758–9), with 14 additions.

95 JL 9010–270 + 'Supplementum', nos 9053a (Paris), 9093a, 9221a, and 9248a.

96 JL 9311–433; R. Hiestand, 'The Papacy and the Second Crusade', in *Second Crusade*, ed. Phillips and Hoch, 32–53, at 46. The figures revived somewhat thereafter, however, with 189 *acta* (18.2%) registered by JL for 1151–2 (nos 9439–627).

97 *Germania Pontificia*, *Italia Pontificia*, and the *Papsturkunden* series for England, France, the Holy Land, the Low Countries, and Spain, etc. Stefan Hirschmann has estimated a chancery output of around 20,000 documents for the period 1141–59: *Die päpstliche Kanzlei und ihre Urkundenproduktion (1141–1159)*, Europäische Hochschulschriften, Series 3, 913 (Frankfurt am Main, 2001), 17.

98 Eugenius's statistics are more impressive than those for Innocent II, whose 85 transalpine *acta* in the eighteen months of his progress through France accounted for only 14.2% of the total

Closer examination of these statistics reveals that almost 70% of the transalpine documents calendared by Jaffé-Loewenfeld were issued from the four locations where the papal court was settled for two or three months at a time: 55 from Paris;⁹⁹ 47 from Auxerre,¹⁰⁰ 21 from Trier,¹⁰¹ and 53 from Reims.¹⁰² The disappointing score for Trier is readily explicable. The residences in Paris, Auxerre, and Reims occurred in spring and summer; but Eugenius spent the mid-winter in Trier, when travelling was difficult and even dangerous, and it is not surprising that German petitioners predominated. Even the noted visionary Hildegard of Bingen, then an anchoress attached to the monastery of Disibodenberg, requested papal approval to have her visions (the *Scivias*) written down.¹⁰³

Every one of the documents issued responded to an individual petition by bishop, abbot, prior, abess, or prioress, usually acting for the institution over which they presided. The council summoned to Reims, attended by prelates from 'the four kingdoms' (*Gallia, Germania, Anglia, and Hispania*),¹⁰⁴ provided an ideal opportunity for participants to secure privileges or to bring disputes before the papal court. The abbot and monks of the great abbey of Marmoutier, outside Tours, for example, secured a mandate addressed to five archbishops

of 598 for the whole pontificate in Migne's *Patrologia* (*PL*, clxxix, nos 13–97: 11 Sept. 1130–30 Mar. 1132), a proportion only slightly improved in Jaffé's *Registrum*, where 141 (14.5%) of the total of 967 *acta* are transalpine: *JL* 7423–7563.

99 *JL* 9024–77 + 9053a (24 April–7 June 1147), to which one might add the fourteen issued from Meaux, just outside Paris (12–30 June 1147): *JL* 9078–91. Using *PU England*, *PU Frankreich*, and *PU Niederlands*, Horn, *Studien*, 274–7, augments the number of *acta* issued from Paris and Meaux to seventy-two and sixteen, respectively.

100 *JL* 9094–130 + 9140–9 (13 July–9 Sept. 1147 + 25 Sept.–12 Oct. 1147). Using *Germania Pontificia*, *PU England*, *PU Frankreich*, and *PU Spanien*, Horn, *Studien*, 274–7, 280–1, augments the number of *acta* to sixty-two.

101 *JL* 9163–88 (29 Nov. 1147–13 Feb. 1148), but omitting the doubtful nos 9162, 9167, 9172–3, 9185, and 9188 (see n. 103). Using *PU Frankreich*, Horn, *Studien* 274–7, augments the number of *acta* to twenty-five.

102 *JL* 9193–246 + 9221a (9 Mar.–18 April 1148), but omitting the dubious no. 9244. Using *Germania Pontificia*, *PU England*, *PU Frankreich*, *PU Portugal*, and *PU Spanien*, Horn, *Studien*, 285–9, augments the number of *acta* to sixty-seven.

103 Whatever approval was granted, it was considerably less than the later claim by Gebeno of Eberbach (c.1220) in his *Speculum futurorum temporum*, that Eugenius had 'received and canonized the *libri sancte Hildegardis* in the Trier council'. The two associated letters (*PL*, cxcvii, 145 no. 1a [*JL* 9188] and 145–50 no. 1b) are apocryphal: C. Egger, 'Curial Politics and Papal Power', above, Ch. 2, at nn. 41–7).

104 Geoffrey of Auxerre, i, 9; N. Häring, 'The Writings against Gilbert of Poitiers by Geoffrey of Auxerre', *Analecta Cisterciensia*, 22 (1966), 3–83, at 37; Horn, *Studien*, 284–9; *JL*, ii, 52–6. For the numbers, see above, n. 42. Italian prelates were summoned to a parallel council in Cremona on 7 July, where the Reims canons were reissued: *JL*, ii, 58.

and twenty bishops across northern France, ordering them to ensure that the priests who served the monastery's churches in their dioceses should show them due respect and submission (*debitam eis reverentiam et subjectionem exhibeant*), otherwise the abbot and monks would be authorized to take punitive action against them.¹⁰⁵ Nor was Marmoutier alone. Among the other monastic petitioners one may cite Benedictbeuern, Helmarshausen, Hersfeld, Lorsch, Maulbrunn, Reichenau, St Maximin of Trier, St Peter of Antwerp, Sahagun (León), and Savigny.¹⁰⁶ And they were joined by some of the highest dignitaries in the Church. Patriarch Peregrino of Aquileia and Archbishops Moses of Ravenna, Hugh of Rouen, and Raymond of Toledo all obtained privileges or confirmations, and Bishop Warner of Wrocław (*Wladislaviensis*) in distant Poland, received a protective privilege for himself and his diocese.¹⁰⁷ Even where Eugenius was unable to settle jurisdictional claims because the other parties to the suits had not been forewarned, the view that the papal court was the proper forum for such high-level disputes was consolidated.¹⁰⁸

The cumulative effect of Eugenius III's extended itinerary through Burgundy, France, and the Rhineland should not be underestimated. In the course of fifteen months, the papal court had covered close to 2,000 km and visited at least thirty-seven cities (mostly bishoprics) and monasteries through Burgundy, France, the Rhineland, and Switzerland. Although not the first such papal progress, it was probably the most successful in terms of the number of people it touched. Whatever the costs to the institutions that gave hospitality, and they must have been heavy, the impression left behind was favourable; and part of that impression was the consequence of the pope's own style. On the whole, despite John of Salisbury's somewhat astringent comments,¹⁰⁹ Eugenius endeared himself on a personal level to

105 *In generalibus conciliis*, issued on 14 April 1148: JL 9240 = PL, clxxx, 1337–8 no. 288.

106 JL 9200 = PL, clxxx, 1312–14 no. 262; JL 9209 = PL, clxxx, 1317–18 no. 268; JL 9202, cited in PL, clxxx, 1314 no. 263; JL 9204–5 = PL, clxxx, 1314–16 and 1316 nos 265–6; JL 9206 = PL, clxxx, 1316–17 no. 267; JL 9208; JL 9217; JL 9223; JL 9229 = PL, clxxx, 1332 no. 282; JL 9231 = PL, clxxx, 1334 no. 284; and JL 9235.

107 JL 9212 = PL, clxxx, 1319–20 no. 270; JL 9203 = PL, clxxx, 1314 no. 264; JL 9234; JL 9242; and JL 9222 = PL, clxxx, 1328–30 no. 278.

108 Lyon claimed jurisdiction over the provinces of Rouen, Sens, and Tours as primate of Gaul; Vienne claimed Bourges; Bourges claimed Narbonne, Le Puy, and the monastery of Bourg-Dieu; Trier claimed Reims as primate of 'Belgium' (*Belgica prima*), etc.: JS *HistPont*, 4–6. Not surprisingly, this last claim, advanced in the cathedral of Reims, produced uproar among the French bishops, who thought that Abp Albero of Trier was mad (*insanus uisus est*) to advance such a claim in such a place!

109 'I am at a loss to explain why so many of Eugenius's judgments were so easily revoked', he wrote in his *Memoirs of the Papal Court*, completed c.1164, 'unless for two reasons: he deserved it because he revoked those of predecessors; he was too ready to rely on his own opinion': JS *HistPont*, 51.

nearly everyone he met, from kings to bishops to abbots and masters of schools. 'Never', wrote Abbot Peter (the Venerable) of Cluny to Bernard of Clairvaux:

Never have I found a truer friend, a sincerer brother, a purer father. His ear is ever ready to hear, his tongue is swift and mighty to advise, not as a superior to an inferior, but rather as an equal to an equal or sometimes as an inferior to a superior. No arrogance, no lordship, no majesty ... Whatever I asked, there (Rome) or elsewhere, was either granted, or so refused that I could not reasonably complain.¹¹⁰

This opinion was echoed in Henry of Huntingdon's report of Bishop Alexander of Lincoln's visit to the Curia in 1145:

And so he was honourably received by the new pope Eugenius, a man worthy of the highest esteem, whose disposition was always kindly, whose judgment always balanced, whose face always was not only cheerful but also agreeable.¹¹¹

The Norman Robert of Torigni, prior of Bec from about 1149, abbot of Mont-Saint-Michel from 1154 to 1186, described him as 'an exceedingly religious man, generous in almsgiving, just in judgments, affable and agreeable to all, both poor and rich';¹¹² and Bishop Otto of Freising (c.1137–58), uncle and

This generalization was probably based on the fact that in 1155 Adrian IV restored the bishopric of Modena, which Eugenius had suppressed in 1148 for the city's invasion of the estates of the monastery of Nonantola, but that decision had not been taken without counsel. As Eugenius had explained to Bp Gerard of Bologna (Aug. 1148), he had acted 'with the collective counsel of our brethren, both of the cardinals and of our brother Peregrino, patriarch of Aquileia, and of many bishops there assembled (*communi fratrum nostrorum consilio tum cardinalium quam fratris nostri Peregrini Aquilegensis patriarchae et plurimorum episcoporum, qui convenerant*): PL, clxxx, 1363 no. 316.

110 PL, clxxxix, 465–9 no. 46, at 466–7: 'Nunquam amicam fideliorum, nunquam fratrem sinceriorum, nunquam Patrem puriorum in hujus modi colloquiis expertus sum. Auris patiens ad audiendum, lingua prompta et efficax ad respondendum, non ut major minori, sed ut aut par pari, aut quandoque ut inferior superiori. Nihil fastus, nihil dominium, nihil majestas... Si quid ibi vel alibi petii, aut indultum est, aut rationabiliter, ita ut queri non possem, negatum.'

111 Henry of Huntingdon, *Historia Anglorum*, ed. T. Arnold, RS 74 (London, 1879), 278: 'Itaque honorifice susceptus est ab Eugenio papa novo, viro summa dignitate condigno, cujus mens semper benigna, cujus discretio semper aequa, cujus facies semper non solus hilaris, sed et jucunda.'

112 Robert of Torigni, *Chronica*, ed. R. Howlett, RS 82/iv (London, 1889), iv, 173: 'vir admodum religiosus, in elemosynis largus, in judiciis justus, omnibus tam pauperis quam divibus affabilis et jucundus'.

biographer of Frederick I, called him 'a man of outstanding religion and holiness'.¹¹³ That so many observers found him congenial and humane did much to enhance the papal office. He was readily approachable, and he exercised the authority of the Apostolic See with kindness and delicacy. As described by those who recorded their impressions, his consecrations and translations were acts of gracious condescension, very much in line with his comportment during the Cistercian General Chapter at Cîteaux in 1147, when, as Geoffrey of Auxerre recorded it, 'the aforesaid venerable pope was present, not so much presiding by apostolic authority, as sitting among them with fraternal charity, as if one of them'.¹¹⁴

For a pope who had not even been a cardinal when he was elected, in some haste, at S. Cesario on the Palatine in 1145,¹¹⁵ who had had to flee from Rome *in silentio noctis* for consecration in the imperial monastery of Farfa, about 70 km to the north east of the city because it was too dangerous to risk the usual procession from St John Lateran to St Peter's,¹¹⁶ the enthusiasm with which he was greeted in Burgundy, France, Germany, and on the shores of Lake Geneva (Lausanne), and the large number of petitioners who sought his audience, must have brought considerable satisfaction. He might even have been tempted to anticipate John of Salisbury's adaptation of Ovid's verse, 'A happy thing is exile in such a place as this (*Felix exilium, cui locus iste datur*)'.¹¹⁷

About the author

Anne J. Duggan is Emeritus Professor of Medieval History and Fellow of King's College London. She has published extensively on aspects of the ecclesiastical and legal history of the twelfth century, with special emphasis on Thomas Becket, canon law, and the legal activities of popes from Innocent II to Innocent III.

113 *Duabus civitatibus*, 552 (vii.31): 'Eugenium, virum religione ac sanctitate perspicuum....'

114 *PL*, clxxxv, 344, 'praedictus papa venerabilis adfuit, non tam auctoritate apostolica praesidens, quam fraterna charitate residens inter eos, quasi unus ex eis.'

115 Boso, *Vita Eugenii*, 386; Eugenius's letter, written from Narni on 2 Mar. 1145 to the canons of S. Frediano: *PL*, clxxx, 1014–15 no. 1, at 1015.

116 Boso, *Vita Eugenii*, 386.

117 Ovid, *Fasti*, i.540, 'Felix, exilium cui locus ille fuit'. For John's letter cataloguing the delights of France in early 1164, see *The Correspondence of Archbishop Thomas Becket*, ed. and trans. A.J. Duggan, 2 vols, OMT (Oxford, 2000), i, 64–77 no. 24, at 68–9.

Eugenius III's Trans-Alpine Itinerary 1147–8**Outward Journey
1147**

VERCELLI 2 Mar.

SUSA 7–8 Mar.

OULX c. 9 Mar.

MONTGENÈVRE PASS

LYON 22 Mar.

CLUNY 26 Mar.

DIJON 30–31 Mar.

MAGNY-LAMBERT 3–4 Apr.

CLAIRVAUX 6 Apr.

TROYES 10–11 Apr.

PROVINS 13 Apr.

REGION OF MEAUX 15 Apr.

LAGNY-SUR-MARNE 16 Apr.

ST-DENIS 17–20 Apr.

PARIS 20 Apr.–c. 6 June

MEAUX c. 13–30 June [from Meaux:
visited Saint-Denis, Lagny-sur-Marne]

AUXERRE 13 July–9 Sept.

CÎTEAUX 14–17 Sept.

ST-SEINE-L'ABBAYE 19 Sept.

FONTENAY 21 Sept.

AUXERRE 25 Sept.–12 Oct.

ST-FLORENTIN 13 Oct.

CHÂLONS-SUR-MARNE 21 Oct.–3 Nov.

VERDUN 5–?22 Nov.

1147–8

TRIER 29 Nov.–13 Feb. 1148

1148

SARRANIUM (? now Saarbrücken) 15 Feb.

METZ 18 Feb.

VERDUN 22–7 Feb.

REIMS 9 Mar.–18 Apr.

Return Journey

CHÂLONS-SUR-MARNE 20 Apr.

BRIENNE-LE-CHÂTEAU 23 Apr.

BARUM (? Bar-sur-Aube) 23/4 Apr.

CLAIRVAUX 24–6 Apr.

LANGRES 27–30 Apr.

BESANÇON 5–7 May

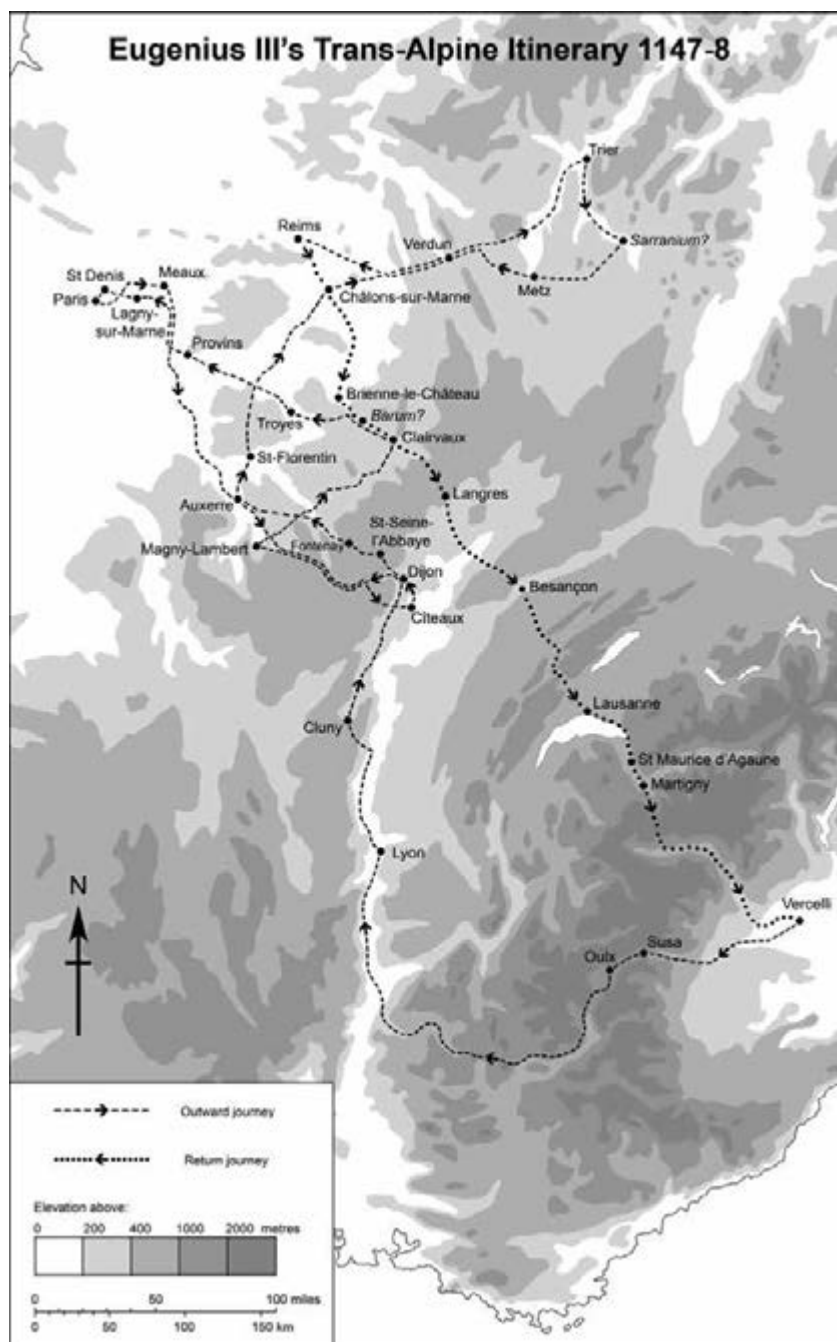
LAUSANNE 14–20 May

ST-MAURICE D'AGAUNE 25 May

MARTIGNY 27 May

GREAT ST BERNARD PASS

VERCELLI 15–16 June



Eugenius III's Trans-Alpine Itinerary 1147-8, with thanks to Dr Duncan Probert

7. Eugenius III and France: the protected protector

Pascal Montaubin

Fonnesberg-Schmidt, Iben and Andrew Jotischky (ed.), *Pope Eugenius III (1145–1153). The First Cistercian Pope*. Amsterdam University Press, 2018

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Abstract

A Cistercian monk in Burgundy, Eugenius III increased links between the papacy, the French Church, and King Louis VII. With the help of other great figures such as the abbots Bernard of Clairvaux, Suger of Saint-Denis, and Peter the Venerable of Cluny, pope and king used their powers to maintain their sovereignty over the French Church and realm. Negotiations between Eugenius III and Louis VII in 1145–6 led to the call for the Second Crusade and while the king was overseas (1147–9), Abbot Suger and Count William of Nevers acted as regents for the kingdom. From March 1147 to May 1148, the pope sought shelter in France, reforming churches and dispensing justice at the Council of Reims (1148).

Keywords: Bernard of Clairvaux; King Louis VII; crusade; Church reform

The French realm and its dynamic Church played a major role in Eugenius III's pontificate, not least because of the crusade led by King Louis VII, the refuge given to the Roman Curia in 1147–8, the Council of Reims in 1148, and many meetings and letters between the pope, French prelates, and lay lords. As a Pisan, Bernard, elected as Pope Eugenius III in 1145, probably knew French, but did not have a good knowledge of France before his pontificate. It is true that in 1138, abandoning his wealthy cathedral chapter of Pisa, he was attracted by the rough life of prayer, poverty, and penance in the Cistercian monastery of Clairvaux in Burgundy, headed since 1115 by the now famous abbot, Bernard. Inside the abbey, however, as a simple monk Bernard was largely kept out of the world. Moreover, he remained in France for less than two years before being sent back to Italy to establish a Cistercian community at the Roman monastery of Tre Fontane

(1140–5). Here Bernard had opportunities to deal with affairs generated by the papal court, and might even have met French prelates on their way there, but he was far from France. Yet during Eugenius's pontificate the special links between France and the papacy, tightly woven from the middle of the eleventh century – if not indeed from as early as Pepin III and Charlemagne hundreds of years earlier – developed on a new scale. This paper will argue that the reason for the close links between the kingdom of France and Eugenius's pontificate can be explained by the mutual benefits of the protection each could give to the other.

1. Eugenius III's connections to France

The Cistercian connection

Eugenius III can be seen as the product of the development of the second generation of Cistercian spirituality. The constant relations generated with the Roman Curia over some thirty years by Bernard of Clairvaux played the major role in this evolution.¹ Bernard's influence grew under Innocent II (1130–43), to whose recognition as pope he had largely contributed. Although his influence seemed to decline after the death of his friend Cardinal Chancellor Aimeric (1141) and under Celestine II (1143–4), the former student of Peter Abelard, he still maintained good contacts with the French cardinals (Alberic of Ostia, Stephen of Palestrina, and Imar of Tusculum) who supported Pope Lucius II (1144–5). In this context the election on 15 February 1145 of a former monk of Clairvaux as Pope Eugenius III is surely a consequence of Bernard's influence among the Sacred College.

The new pope was not particularly well trained for the duty of being universal vicar. In 1194, the elderly and experienced Pope Celestine III, former cardinal under Eugenius III half a century before, explained 'as a new pope ... [Eugenius] was led by others more than he succeeded in leading'.² This appeared to be confirmed in 1145 by Bernard of Clairvaux himself: 'For they are saying that it is not you but I who am the pope, and from all

1 B. Jacqueline, 'Saint Bernard et la curie romaine', *Rivista di Storia della Chiesa in Italia*, 7 (1953), 27–44; S. Teubner-Schoebel, *Bernard von Clairvaux als Vermittler an der Kurie: Eine Auswertung seiner Briefsammlung* (Bonn, 1993), 314–23.

2 *PUSpanien*, i, 551–4 no. 246. For the case in question, see D.J. Smith, 'A Golden Rose and the Deaf Asp that Stoppeth her Ears: Eugenius III and Spain', below, Ch. 8.

sides they flock to me with their suits.³ It is not surprising that the former monk of Clairvaux, even after becoming pope, remained in close touch with a spiritual father whose personality and spirituality were so strong. They met each other several times during the pope's stay in France, but it is noticeable that Bernard did not travel to the Roman Curia in Italy as he had done before. They exchanged numerous letters. From his monastery, Bernard continued to be a well-informed and at times intrusive adviser to Eugenius III. In this role, Bernard pushed the interests of the Cistercian order with even more intensity than before Eugenius's election, specifically in his affairs concerning monasteries and episcopal elections.⁴ His influence on Eugenius must have been greater at the beginning of the pontificate, given that the new pope had no prior experience of the Curia. This relationship explains Bernard's boldness in dedicating to Eugenius his moral treatise of 1148, the *De consideratione*, in which he criticized papal administration and proposed reforms.⁵

Bernard was deeply implicated in many of the important affairs of Eugenius's pontificate: the struggle against Arnold of Brescia; the condemnation of the Trinitarian theology of Gilbert de la Porrée; the preparations for the Second Crusade; as well as several problems dealing with local mainly French churches. But the concrete results of Bernard's interventions are hard to evaluate. In some cases, Bernard was not followed by 'his' pope. Eugenius III was capable of pursuing an autonomous policy, even in Bernard's own field. For example, he instigated the union of the Norman abbey of Savigny to the Cistercian order, with the bull *Pax Ecclesiae* (19 September 1147).⁶ The influence of Bernard was also limited by his numerous opponents, who also had opportunities to be heard by the pope. Eugenius III was exposed to other influences, especially to those of the many cardinals, his counsellors, with whom he could be in daily contact. At the Council of Reims in 1148 all but one of the cardinals opposed Bernard's attack on Gilbert de la Porrée. In the final analysis, Bernard's aims were not always successfully

3 Bernard, 'Epistolae', viii, 120–2 no. 239; trans. in Bernard, *Letters*, 280 no. 206.

4 See for example E. Jamrozak, 'The Cistercians, Pope Eugenius III, and the Disputed York Election', Ch. 3, above.

5 Bernard, 'De consideratione'; E. Kennan, 'The *De consideratione* of Saint Bernard of Clairvaux and the Papacy in the mid-Twelfth century: a review of scholarship', *Traditio*, 23 (1967), 73–116; B. Jacqueline, *Episcopat et papauté chez Bernard de Clairvaux* (Lille/Paris, 1975), 305–7; K.F. Morrison, 'Hermeneutics and enigma: Bernhard of Clairvaux's *De consideratione*', *Viator*, 19 (1988), 129–51.

6 F.R. Swietek and T. M. Deneen, 'The Date of the Merger of Savigny and Cîteaux Reconsidered', *Revue d'Histoire Ecclésiastique*, 101 (2006), 547–74.

achieved during Eugenius III's pontificate. Two examples of failure are his inability to secure the restoration of Bishop Elias of Orleans to his see, and his impotence in the episcopal elections to Sées and Angoulême.⁷

Potential allies among the French higher clergy

Besides Bernard, Eugenius III could rely on a number of French bishops and abbots devoted to the reform of the Church. They had also been the advisers and executors of the pope's policy, meeting Eugenius in France or Italy and exchanging letters with him. Among the most powerful was Peter the Venerable, abbot of Cluny (1122–56), head of arguably the most important monastic congregation in Europe. Peter met Eugenius III several times in France and Italy and exchanged several letters with him.⁸ Suger, abbot of Saint-Denis (1122–51) had been connected to the papacy since 1107; he was to be chosen as the regent of France during the Second Crusade and enjoyed close relations with Eugenius III, whom he met several times and with whom he exchanged letters.⁹ Eugenius III also enjoyed the support of Geoffrey of Lauroux (or Babion), former hermit and regular canon, and subsequently archbishop of Bordeaux (1135–8), Joscelin of Vierzy, bishop of Soissons (1126–52), Arnoul, bishop of Lisieux (1141–82), Hugues, bishop of Auxerre (1136–51) and former Cistercian abbot of Pontigny.

Our knowledge of the cardinals of the mid-twelfth century is still inadequate.¹⁰ Nevertheless, among the forty-one members of the Sacred College at Eugenius III's election there are known to have been two French Cluniac cardinals: Imar, cardinal bishop of Tusculum (1142–64), who was close both to Eugenius and to Bernard of Clairvaux,¹¹ and Alberic, cardinal bishop of Ostia (1138–48).¹² Eugenius created sixteen new cardinals during his pontificate, of whom two were of French origin and, like him, Cistercians.

7 Teubner-Schoebel, *Bernard von Clairvaux*, 234–42, 285–90.

8 *The Letters of Peter the Venerable*, ed. G. Constable, 2 vols (Cambridge, MA, 1967), I, nos 28, 29, 73, 77, 110, 111, 145, 148, 149, 150, 152, 163, 164, 175, 177, 181, and 192; J.-P. Torrell and D. Bouthillier, *Pierre le Vénérable et sa vision du monde: sa vie – son œuvre* (Louvain, 1986).

9 L. Grant, *Abbot Suger of Saint-Denis: church and state in early twelfth-century France* (London, 1998); M. Bur, *Suger: abbé de Saint-Denis, régent de France* (Paris, 1991); O. Cartellieri, *Abt Suger von Saint-Denis, 1081–1151* (Berlin, 1898). Suger, *Oeuvres*, ed. Fr. Gasparri, 2 vols (Paris, 1996–2001); *Œuvres complètes de Suger*, ed. A. Lecoy de la Marche (Paris, 1867).

10 Brixius; Zenker; Horn, *Studien*, 84–193.

11 Zenker, 44–6; M. Horn, 'Der Kardinalbischof Imar von Tusculum als Legat in England, 1144/1145', *Historisches Jahrbuch*, 110 (1990), 492–505.

12 Zenker, 15–18; R. Manselli, 'Alberico, cardinale vescovo d'Ostia et la sua attività di legato pontificio', *Archivio della Società Romana di Storia Patria*, 78 (1955), 23–68.

The first, Hugo, from a noble family of Beauvaisis, had been a monk of Clairvaux and then abbot of Trois-Fontaines (1147–52) (diocese of Châlons); as he was at the papal Curia looking after Cistercian affairs in 1150–2, he was appointed cardinal bishop of Ostia (1152–8).¹³ The other, Bernard, became cardinal deacon of SS. Cosma e Damiano in the same year, but died soon afterwards, so his scope for political action seems to have been small.¹⁴ We can deduce that French cardinals remained a minority: only two or four out of a college of thirty to forty members, most of whom were Italians. But other cardinals had links with France, such as the English Cardinal Bishop of Albano, Nicholas Breakspear, formerly a regular canon of Saint-Ruf of Avignon and the future Pope Adrian IV; and many others had studied in France, especially in Paris.¹⁵

Some cardinals became directly involved in French politics through their appointments as papal legates.¹⁶ A legate of Pope Lucius II since June 1144, Cardinal Alberic,¹⁷ having been confirmed in his mission by Eugenius III, remained in France till October 1145, preaching against the heretics in Southern France. After his legation to Germany in 1151, Giordano, cardinal-priest of S. Susanna and papal camerarius,¹⁸ turned aside to France in January 1152, ostensibly to visit the Carthusian hermitage of Mondaye (diocese of Reims), but in fact to enrich himself to prolong his authority.¹⁹ He may have spent the winter 1152/1153 in southern France before joining the Curia in June 1153, having provoked complaints against his behaviour from Bernard of Clairvaux.²⁰ On his way northward to his legation in Ireland and Scotland in summer 1152, Cardinal legate Giovanni Paparo settled conflicts in Vézelay and Arras.²¹

13 Brixius, 55; Zenker, 21–3; A. Dimier, 'Deux cardinaux disciples de saint Bernard qui illustrèrent le diocèse de Châlons', *Mémoires de la Société d'agriculture, commerce, sciences et arts du département de la Marne*, 88 (1973), 19–24.

14 Zenker, 148.

15 P. Classen, 'Rom und Paris: Kurie und Universität im 12. und 13. Jahrhundert', in P. Classen, *Studium und Gesellschaft im Mittelalter* (Stuttgart, 1983), 127–69. On Breakspear, see *Adrian IV, the English Pope (1154–59): studies and texts*, ed. B. Bolton and A.J. Duggan (Aldershot, 2003).

16 W. Janssen, *Die päpstlichen Legaten in Frankreich von Schisma Anaklets II. bis zum Tode Coelestins III. (1130–1198)* (Cologne, 1961); S. Weiss, *Die Urkunden der päpstlichen Legaten von Leo IX. bis Coelestin III. (1049–1198)* (Cologne, 1995).

17 Janssen, *Die päpstlichen Legaten*, 39–51.

18 Zenker, 104; Janssen, *Die päpstlichen Legaten*, 54–6; Weiss, *Die Urkunden der päpstlichen Legaten*, 167 no. 15.8.

19 JS *Hist Pont*, 77, c.39.

20 Bernard, 'Epistolae', viii, 207 no. 290 (to Cardinal Bishop Hugh of Ostia).

21 Janssen, *Die päpstlichen Legaten*, 51–3.

The alliance with the French king Louis VII²²

Since the beginning of the twelfth century, the Capetian kings had been working slowly but with some success to obtain recognition of their sovereignty over all their subjects, even outside their personal principality around Paris. Louis VII, born in 1121 and king from 1137, was still young during the period covered by Eugenius's pontificate, but on the eve of the expansion of Angevin power, his position was strong.²³ Louis VII's religious policy gradually evolved following a number of crises with French prelates and a papacy intent on promoting the *libertas ecclesiae*. He intervened in episcopal elections, for example, at Reims in 1138, at Poitiers in 1141, and at Bourges in 1141–4, which led Innocent II to lay an interdict on regions that gave shelter to the king.²⁴ By 1145, however, the situation had been eased by the softer attitude of Celestine II, and Eugenius's relations with Louis VII, likewise, were initially friendly.²⁵ Notwithstanding his indirect influence on them, the French king respected canon law regarding episcopal elections.²⁶ Moreover, besides his leadership of the papal crusade preached in 1146, Louis also protected the pope during his exile from Italy. He personally came to welcome him in Dijon on 30 March 1147²⁷ and they met frequently in the month and a half before Louis's departure for Jerusalem on 11 June 1147.

Eugenius was also involved in the matter of the royal marriage. The marriage of Louis VII and Eleanor, heiress to the duchy of Aquitaine, in 1137, was one of the first signs of the new Capetian influence on the areas south of the Loire. But the birth of daughters rather than sons, coupled with Louis's jealousy of the friendship between the queen and her uncle Raymond of Poitiers, prince of Antioch, while on crusade in March 1148,²⁸ led to discussions about a divorce. The ostensible reason was consanguinity (they were indeed cousins to the third and fourth degrees, as Bernard of

22 In general for Louis's reign, see M. Pacaut, *Louis VII et son royaume* (Paris, 1964); Y. Sassier, *Louis VII* (Paris, 1991).

23 Pacaut, *Louis VII et son royaume*, 67–117.

24 M. Pacaut, *Louis VII et les élections épiscopales dans le royaume de France* (Paris, 1957), 92–100.

25 See, for example, the papal letter to the king on 29 April 1145, *Recueil des Historiens des Gaules et de la France* (henceforth *RHGF*), ed. L. Delisle (Paris, 1878), xv, 427 no. 3; *PL* clxxx, 1034 no. 19.

26 Pacaut, *Louis VII et les élections*.

27 *Fragmentum historicum de Ludovico VII, Francorum rege*, in *RHGF*, xii, 90. *Annales S. Benigni Divionensis*, ed. G.H. Pertz, *MGH SS*, v, 44.

28 For discussion of this episode, see J. Phillips, *The Second Crusade: extending the frontiers of Christendom* (New Haven, CT, 2007), 210–12.

Clairvaux had already informed the pope in 1143).²⁹ On the journey back to France from the East, the couple stopped for two days at the Roman Curia in Tusculum on 9–10 October 1149. John of Salisbury recounts how Eugenius III tried to reconcile them by confirming their marriage; commanding under pain of anathema that no word should be spoken against it and making them share the same bed, which had been decorated with precious hangings at his own expense.³⁰ But the couple parted company in 1151, following the queen's meeting in August of that year with Henry Plantagenet, duke of Normandy – and also after the death of Abbot Suger had deprived the king of an adviser who might have warned him against risking the loss of Aquitaine. On 21 March 1152 an ecclesiastical court in Beaugency, with the archbishops of Sens, Reims, Rouen, and Bordeaux in attendance, quashed the royal marriage on the grounds of consanguinity.³¹ Eugenius III does not seem to have intervened further in this affair, since the canon law on the subject was clear and it was, therefore, not a *causa major* reserved to the Holy See.

II. The crusade and the protection of the crusader king's domains

The ultimate source of the initiative for the Second Crusade remains undetermined.³² The expedition was the result of negotiations between Eugenius III and Louis VII (and subsequently Conrad III of Germany). Jonathan Phillips, however, has established that there had already been contact between the French Crown and the papal Curia in the summer and autumn of 1145.³³ Otto, the Cistercian bishop of Freising and half-brother of Conrad III, was also at the papal Curia at the end of 1145. While in Italy in the autumn of 1145, Eugenius III had become aware of the dangers threatening the Latin East as he had already received separate embassies from the Armenians and Bishop Hugh of Jabala. Preoccupied as he was by the problems posed on the one hand by King Roger II of Sicily and on the other by the Roman commune, the pope was unable to promise any help. But the idea of a crusade was also supported by the Cistercians, especially Bernard of Clairvaux, and the Cluniacs.

The evolution of these events can be reconstructed from two chronicles: the *De Ludovici VII projectione in Orientem* of Odo of Deuil, the monk of

29 Bernard, 'Epistolae', viii, 91–3 no. 224; Bernard, *Letters*, 369–72, at 371 no. 300.

30 JS *HistPont*, 61 c.29.

31 Pacaut, *Louis VII et son royaume*, 59–65. Sassier, *Louis VII*, 229–31.

32 On this subject, see J. Phillips, 'Pope Eugenius III and the Crusades to the East', Ch. 4, above.

33 Phillips, *Second Crusade*, 63–4.

Saint-Denis who accompanied the French king on the crusade, and the *Gesta Frederici imperatoris* of Otto of Freising.³⁴ At the royal court gathered in Bourges for Christmas 1145 Louis VII announced officially for the first time his desire to go on pilgrimage to Jerusalem, which also entailed a military expedition against the Muslims. No document mentions any call from the pope for a crusade at that time, and although the bull had not yet arrived at the French court – assuming that the first version of *Quantum praedecessores* had indeed been issued on 1 December 1145 – the French king probably knew something of its content, given his contact with the papacy in previous months.³⁵

Several reasons are proposed in the contemporary sources to explain Louis VII's astonishing project. According to Otto of Freising, he wanted to accomplish the vow of a pilgrimage to Jerusalem made by his elder brother Phillip and unfulfilled before his early death in 1131.³⁶ The French chronicle known as the *Historia Francorum*, however, states that Louis VII was seeking an expiatory pilgrimage on the grounds that he had killed many Christians during his campaign against the count of Champagne in 1142, above all during the sack of the town and of the church of Vitry³⁷ – for which crime the interdict on his kingdom was not lifted by Pope Celestine II until March 1144. For the English chronicler Ralph of Diceto, Louis VII wished to be forgiven for an oath he had broken. In 1141 he swore that he would not let the newly elected Archbishop Pierre de La Châtre enter his city of Bourges, but after a long struggle, the excommunicated king had to recognize the prelate in 1144, thus perjuring himself.³⁸

Whatever the case, the king's project, backed up by the sermon of the Cistercian Bishop Geoffrey of Langres for the liberation of the Eastern

34 See Phillips, *Second Crusade*, 80–98, 115–35.

35 Dating the bull *Quantum praedecessores* has proved problematic, because two different bulls were issued entitled *Quantum praedecessores*. One is dated securely to 1 March 1146 (JL 8876), but the other is from 1 December either 1145 or 1146 (JL 8796). Most historians, including Phillips, have followed Caspar in supposing that the bull addressed to the French king and nobles was promulgated on 1 December 1145. Rolf Grosse, 'Überlegungen zum Kreuzzugsaufruf Eugens III. von 1145/46', *Francia. Forschungen zur Westeuropäischen Geschichte*, 18/1 (1991), 85–92, however, argued that the bull could just as well have been promulgated on 1 December 1146, and that interpolations were made to the text of the December bull by the secretariat of Bernard of Clairvaux. Either scenario, in fact, fits equally with the French situation. However, a first bull written on 1 December 1145 is more convincing given the link between papal and royal projects. Eugenius would not have called for a great expedition overseas by chance without having first tested the French king's will.

36 *Gesta Frederici*, 54.

37 *Historia Francorum*, in *RHGF*, xii, 116.

38 Ralph Diceto, *Abbreviationes chronicorum*, ed. W. Stubbs, RS 68 (London, 1876), 256.

Christians, did not meet with the enthusiasm of the nobles and prelates in Bourges at Christmas 1145. The affair was postponed for further deliberation by a new assembly to be held in Vézelay on the following Easter Sunday. Meanwhile the king wished to consult the pope, but the barons preferred to take the advice of Abbot Bernard of Clairvaux, then in Bourges, who thought for his part that an affair of such magnitude should be brought to Eugenius III.³⁹ Indeed, the idea of a royal pilgrimage abroad did not achieve unanimity in France: Abbot Suger in particular feared for the security of the kingdom.⁴⁰

Encouraged by the news supplied by the king and by Bernard, Eugenius III reissued his call *Quantum praedecessores* on 1 March 1146. As he was compelled to remain in Rome, he then charged Bernard to preach the crusade. Bernard showed his customary zeal in this affair: his preaching inflamed the crowd at Vézelay at Easter (31 March 1146), to the extent that Louis VII took the Cross, followed by several bishops (Geoffroy of Langres, Alvisé of Arras, Arnoul of Lisieux) and many lords (among them the king's brother Robert of Dreux, the counts of Toulouse, Nevers,⁴¹ and Soissons, and the lord of Bourbon). Bernard then crossed northern France and Germany to recruit crusaders and eventually succeeded in convincing Emperor Conrad III to lead another army (28 December 1146).⁴²

Apostolic protection

Emperor Conrad III was able to leave Germany without much concern for the succession because his son Henry had been elected king, crowned, and was already associated with his father's government (March 1147). Moreover, Henry had at his side the archbishop of Mainz and Abbot Wibald of Stavelot. The solution was not so easy in France, because Louis VII had only two young daughters, and he left for the Holy Land with his wife Eleanor together with his brother Robert of Dreux, while his two other brothers Henry and Philip were both clerics.

The papacy guaranteed apostolic protection to each participant on crusade, to his family and his goods, as Eugenius III had spelled out in

39 Odo of Deuil, *La croisade de Louis VII, roi de France*, ed. H. Waquet (Paris, 1949), 21–2; Otto of Freising, *Gesta Frederici I*, 54–5.

40 Guillaume de Saint-Denis, *Vita Sugerii*, in *Œuvres complètes de Suger*, ed. Lecoy de la Marche, 394.

41 In March 1146 the veteran crusader William II was still count of Nevers, but it was his successor William III who went on the crusade.

42 Phillips, *Second Crusade*, 115–35.

Quantum praedecessores. Urban II had already set out the terms of this protection in 1095, and it had been further developed by the First Lateran Council (1123).⁴³ The pope was the most eminent protector by virtue of the appeal procedure to the Apostolic See, but the bishops remained firmly the guardians of the interests of the crusaders recruited from their dioceses.⁴⁴ With the departure of kings to the Near East, however, Eugenius III was confronted by a new problem, and was forced to adapt the traditional system of papal protection to the resources of the kingdoms involved. But no local ecclesiastical authority was powerful enough to cover the whole realm of France. The function of primate had remained largely honorary. To reinforce it would have led to new struggles between the archbishops (as was to occur in the Council of Reims in 1148); and such a move would in any case have been contrary to the Gregorian reform movement. Moreover, the regnum differed in both an institutional and ideological scale of values from the rights of an individual crusader or crusading family. Eugenius III, therefore, was instituting a new kind of regency.⁴⁵

But here too, the politics followed by king and pope were not really identical, even when they both eventually coincided. On his side, Louis VII wanted to associate the magnates and prelates with the designation of those who were to govern his realm during the crusade. Their agreement would be beneficial to the social peace of the kingdom of France at a time when royal functions continued to retain a formal elective feature. On 16 February 1147, Louis summoned an assembly at Étampes. The participants confirmed the choice of two regents proposed by Bernard of Clairvaux: Suger, abbot of Saint-Denis, the most important counsellor of King Louis VI who remained in favour under Louis VII, and Count William of Nevers. Together they represented the Two Swords: the association of the spiritual and temporal powers. This choice had certainly been negotiated by the king, but in all likelihood not with Eugenius III. To most of the French, these regents were purely substitutes for their king. Nevertheless it is likely that this function had another meaning for Suger and the papal Curia: to them, the regent was the pope's delegate for the custody of a crusader's realm, so it was necessary that he should be appointed by

43 *Concilium Lateranense I*, in *Decrees of the Ecumenical Councils*, ed. N. Tanner, 2 vols (Georgetown DC, 1991), i, 191–2.

44 J.A. Brundage, *Medieval Canon Law and the Crusader* (Madison/London, 1969), 169. J. Fried, *Der päpstliche Schutz für Laienfürsten: Die politische Geschichte des päpstlichen Schutzprivilegs für Laien (11.–13. Jahrhundert)* (Heidelberg, 1980), 105–22.

45 A. Grabois, 'Le privilège de croisade et la régence de Suger', *Revue historique de droit français et étranger*, 42 (1964), 558–65. Fried, 110–11.

the Sovereign Pontiff. Indeed, Suger refused the choice made at Étampes until he was officially designated (and perhaps compelled, according to sources from Saint-Denis) by Eugenius III, at the feast of Easter (20 April 1147), celebrated by the pope himself in Saint-Denis.⁴⁶ The journey of the exiled Eugenius III to France may partly be explained by his aim to show his protection over the French realm, just as the king was preparing his crusade. The chronicler of Montecassino, a southern monastery close to the curial milieu, wrote that Louis VII, on leaving for the crusade, handed over the *regnum Francorum* to the pope's protection or tutela.⁴⁷ Even William, the monk of Saint-Denis who wrote Suger's vita, insists that both royal and spiritual powers were delegated by the pope to the abbot.⁴⁸ On 8 July 1149, Eugenius III reminded the French bishops that the realm had been placed under the protection of the Church and the pope when the king left for Jerusalem.⁴⁹

However, the French were not eager to depend solely on the pope. Suger himself insisted on the wide consensus which led him to attribute to himself the wide powers of the regency, as he wrote to the cathedral chapter of Chartres in 1149: 'Louis ... with the advice of the archbishops and bishops and of the nobles of the kingdom ... and with the assent of the lord pope, entrusted to us the responsibility for administering his kingdom.'⁵⁰ Louis VII retained some autonomy by appointing other regents alongside Suger: his cousin and seneschal Count Raoul of Vermandois and Archbishop Samson of Reims. Nevertheless, Suger attracted recognition because of his administrative qualities and his mystic theory of the French monarchy – an ideology that developed the concepts of corona and regnum, notionally arising from the relationship to Saint Denis, patron of his abbey.⁵¹ Moreover, the

46 *E Breve Chronico* [of the abbey of Saint-Denis], in *Œuvres complètes de Suger*, ed. Lecoy de la Marche, 414. Note that Eugenius III performed crown-wearing feasts and *adventus* outside Rome: P. Montaubin, 'Qu'advient-il du cérémonial papal hors de Rome (milieu XI^e–milieu XV^e siècles)?', in *Rituels et transgressions de l'Antiquité à nos jours*, ed. G. Hoffmann and A. Gaillot (Amiens, 2009), 109–19.

47 *Anonymi Cassinense Chronicon*, in *Rerum Italicarum Scriptores*, ed. L. Muratori (Milan, 1724), v, 65. A similar tone is struck by Boso, *Vita Eugenii*, 387.

48 Guillaume de Saint-Denis, *Vie de Suger*, 394, 'dux novus [Suger] gemino statim accinctus est gladio, altero materiali et regio, altero spirituali et ecclesiastico, utroque autem a summo Pontifice divinitus commissio'.

49 *PL*, clxxx, 1394–5 no. 355; *RHGF*, xv, 454; *JL* 9345.

50 Suger, *Œuvres*, ed. Gasparri, 50–3 no. 12 (= *RHGF*, xv, 507 no. 62; *Œuvres complètes de Suger*, ed. Lecoy de la Marche, 256 no. IX): 'Ludovicus [...] archiepiscoporum et episcoporum ac regni optimatum consilio, nec sine domini pape assensu, curam amministrationis regni sui nobis commisit'.

51 Bur, *Suger*, 282, 292. Sassier, *Louis VII*, 207–9.

archbishop of Reims did not want to challenge the authority of the pope's quasi-legate, while Count Raoul was weakened by his excommunication until after the Council of Reims on 21 March 1148 for having divorced and remarried.⁵²

On 11 June 1147, during the popular fair of Lendit, Eugenius III presided over a great ceremony held in the abbey of Saint-Denis. Here Louis VII, as count of Vexin, received the vexillum (the royal banner of the kingdom) from Abbot Suger; he prayed over relics of Christ's Passion and of Saint Denis, and the pope presented him with the pilgrim's script, staff, and a blessing.⁵³ The king then left his realm to travel towards Jerusalem.

What actually happened in the French government during the regency of Suger (June 1147–November 1149) was less the work of Eugenius III than of the abbot of Saint-Denis, with some directives sent by Louis VII from the Near East.⁵⁴ As soon as he placed the realm under apostolic protection, Eugenius III had threatened with excommunication anyone who disrupted the peace in France.⁵⁵ When Suger found it difficult to impose his authority, the pope sought to reinforce it with the help of the bishops. Moreover, the presence of Eugenius in France in 1147–8 allowed for the possibility of rapid interventions. On 6 October 1147, the pope requested Suger to give him the names of those bishops who had showed reluctance to observe his authority, so that he could remind them of their duties in this respect.⁵⁶ On 8 July 1149, the pope ordered the bishops of the province of Sens to gather in order to summon those disturbing the peace of the realm and if necessary to excommunicate them and to call on the help of the secular arm.⁵⁷

No known documents define Suger's role precisely, but it can be inferred from his acts. It is significant that Eugenius III appointed no other legate in the French realm during the crusade. He appears to have placed Suger above all bishops and archbishops within the frontiers of the kingdom, and charged him with affairs concerning the judgment of disputes between religious institutions, the legal control of episcopal elections, and the reform

52 On the excommunication of Count Raoul by Innocent II in 1142 and Eugenius III in 1145 and his absolution by Eugenius III in 1148, and the suspicion it aroused, JS *HistPont*, 12–13 c.6.

53 Odo of Deuil, *La croisade de Louis VII*, 25. Note that the writer does not focus much on Eugenius III: the pope appears rather as someone who enhances the prestige of the abbey of Saint-Denis.

54 Bur, *Suger*, 271–96; Sassier, *Louis VII*, 201–11, Grant, *Abbot Suger*, 156–78.

55 *La chronique de Morigny (1095–1152)*, ed. L. Mirot (Paris, 1912), 87.

56 PL, clxxx, 1283 no. 237; RHGF, xv, 447; JL 9144.

57 PL, clxxx, 1394–5 no. 355; RHGF, xv, 454; JL 9345.

of some churches. On the king's side, Suger governed the royal domain; he assumed the royal prerogative, not only in juridical, financial, and military affairs, but even in religious matters to the extent of giving the *licentia eligendi* to some chapters and convents, and of delivering the regalia to those newly elected, without any special papal delegation in these cases.⁵⁸ Therefore, we cannot speak of a theocratic government of the French realm by the pope: although the realm was under the protection of the Apostolic See, Suger used royal rather than papal authority, as he made clear in a letter of 1149.⁵⁹ This close co-operation, and these ambiguities between lay and religious power during the regency, were to be beneficial for the Capetian monarchy as early as 1155, when at Soissons Louis VII proclaimed the Peace of God throughout the whole of France: for the first time, his order applied to the whole kingdom.⁶⁰

In 1149, the situation in France worsened as some magnates, with the complicity of the king's brother Robert of Dreux, managed to win more autonomy for themselves. They spread discontent and grumblings against Suger's rule. But Eugenius continued to defend the abbot of Saint-Denis, and kept the king informed of matters when he visited him in Italy in October 1149 on his journey back to France. Louis VII approved the results of Suger's regency and took back direct power when he arrived in November 1149, when papal protection of France officially ended.

III. Eugenius III and the rule of French churches

The French refuge: Eugenius in France

Since the pontificate of Urban II in 1095–6, France had served several times as a shelter for fugitive popes (Paschal II in 1107, Gelasius II in 1118–19, Calixtus II, elected outside Rome, in 1119–20, and Innocent II in 1130–2) who could not remain in central Italy because of their rivalry with the German emperor, the Roman aristocracy or, since 1143, the new Roman commune. After his election, Eugenius III refused to recognize communal

58 Suger, *Œuvres*, ed. Gasparri, 12–15 no. 3, 52–3 no. 13 (= *Œuvres complètes de Suger*, ed. Lecoy de la Marche, 289–309, 246 no. V, 257 no. X; *RHGF*, xv, 491–2, 505). On the *regalia*, Suger, *Œuvres*, ed. Gasparri, 48–53 nos 11–12 (*Œuvres complètes de Suger*, ed. Lecoy de la Marche, 255 no. VIII, 256 no. IX).

59 Suger, *Œuvres*, ed. Gasparri, 52–3 no. 13 (= *Œuvres complètes de Suger*, ed. Lecoy de la Marche, 257 no. X).

60 Sassier, *Louis VII*, 261–3.

institutions and was forced to flee Rome and wander across Lazio.⁶¹ Bernard of Clairvaux wrote to the Romans to encourage their obedience to the pope, but without any effect.⁶² The pope's flight to France was also motivated by the organization of the crusade and the reform of the Latin Church, for which he sought the collaboration of bishops and monastic orders.

From March 1147 to May 1148, the pope and his Curia visited France, above all Burgundy, the Ile-de-France, and Champagne, with a three-month excursion to Trier in Germany (29 November 1147–early March 1148). The itinerary has been well reconstructed.⁶³ To sustain its daily needs, the Roman Curia was welcomed by local monasteries or bishops and collected the *procuratio canonica*.⁶⁴ But these obligations were not always acknowledged, and the Chronicle of the Abbey of Morigny reveals some impatience from local churches.⁶⁵ Despite this, the papal stay in France was profitable: according to John of Salisbury, the Romans welcomed Eugenius III on his return to his city at the end of 1149, because they smelt French gold and silver.⁶⁶ Although conditions in Italy after 1148 were difficult for him, Eugenius never attempted to return to France.

Even when a journey was the consequence of political constraints, the papacy seized the opportunity to govern local churches directly, rather than through legates, in order to spread its political influence and to develop its relations with local religious and lay authorities.⁶⁷ In common with his predecessors in similar circumstances, Eugenius III consecrated a number of churches and, in particular, Suger's golden Cross in the new gothic choir

61 See John Doran, 'Eugenius III and the Roman Commune', Ch. 9, below.

62 Bernard, 'Epistolae', viii, 130–4 no. 243.

63 Horn, *Studien*, 271–92; see also the essays in *Aspects diplomatiques des voyages pontificaux*, ed. B. Barbiche and R. Grosse (Paris, 2009), especially B. Chauvin, 'Les conséquences diplomatiques des voyages pontificaux à travers les comté et duché de Bourgogne (milieu XI^e–milieu XII^e siècle)', 31–68, at 39–41, and 59–65; and now A.J. Duggan, 'Eugenius III: the benefits of exile', Ch. 6, above.

64 U. Berlière, 'Le droit de procuration ou de gîte: papes et légats', *Bulletin de la classe de lettres et de sciences morales et politiques de l'Académie royale de Belgique* (1919), 509–38. A. Graboïs, 'Les séjours des papes en France au XII^e siècle et leurs rapports avec le développement de la fiscalité pontificale', *Revue d'Histoire de l'Eglise de France*, 49 (1963), 5–18. C.-R. Brühl, 'Zur Geschichte der *procuratio canonica* vornehmlich im 11. und 12. Jahrhundert', in *Le istituzioni ecclesiastiche della Societas Christiana dei secoli XI–XII: Papato, cardinalato ed episcopato* (Milan, 1974), 419–31; L. Falkenstein, 'Leistungsersuchen Alexanders III. aus dem ersten Jahrzehnt seines Pontifikats', *ZRG Kan. Abt.*, 102 (1991), 45–75, 175–208.

65 *La chronique de Morigny*, 87.

66 *JS HistPont*, 51 c.21.

67 Barbiche and Grosse, ed, *Aspects diplomatiques*, passim.

of Saint-Denis on 20 April 1147;⁶⁸ the church at Montmartre in Paris on 21 April 1147;⁶⁹ the cemetery of Cîteaux on 29/30 March or 14–17 September 1147; the Cistercian abbey of Fontenay on 21 September 1147; the cathedral of Châlons-sur-Marne on 26 October 1147;⁷⁰ and the Benedictine abbey of Saint-Bénigne of Dijon, 31 March 1147).⁷¹ He granted many privileges, orally as well as in writing,⁷² and judged the disputes which were brought to him by parties in the neighbourhood of his itinerary. On 14–17 September 1147 he attended the annual general chapter meeting of the Cistercian abbots at Cîteaux.⁷³

The major event during the French exile, however, was the council held in Reims in March 1148.⁷⁴ The first place chosen by Eugenius III was Troyes (not Trier),⁷⁵ that is to say a town under the jurisdiction of Thibaut II, Count of Champagne, and outside the royal domain, which displeased Suger as regent. After preliminary negotiations in autumn 1147, the council was finally convened in Reims, which, although in Champagne, fell under the lordship of Archbishop Samson (1141–60) and was the traditional site of royal coronations. Coming from Trier, Eugenius III, with eighteen or nineteen cardinals, arrived in Reims on 9 March 1148 and remained there till 18 April. The council, from 21 to 28 March, involved more than 400 participants: many French prelates, Germans, some Iberians, and a few from England, defying the ban of King Stephen, who sent a small official delegation. There was just one Italian bishop, excepting the Sacred College. The legal work of this international council was very important; its legislation was to be promulgated again by the Italian bishops who were gathered together by Eugenius in Cremona on 7 July 1148 on his return to Rome, and it was partly

68 *Gesta Sugerii abbatis (l'œuvre administrative)*, ed. F. Gasparri, i, II, § 11, 130.

69 J. de la Croix Bouton, 'Bernard et les monastères bénédictins non clunisiens', in *Bernard de Clairvaux*, Commission d'Histoire de l'Ordre de Cîteaux (Aiguebelle), Publications, 3 (Paris, 1953), 222.

70 L. Falkenstein, 'Zur Konsekration des Hauptaltars in der Kathedrale von Châlons-sur-Marne durch Eugen III. am 26. Oktober 1147', in *Papstgeschichte und Landesgeschichte: Festschrift für Hermann Jakobs zum 65. Geburtstag*, ed. J. Dahlaus and A. Kohnle (Cologne, 1995), 297–328.

71 *Annales Sancti Benigni Divionensis*, MGH SS, v, 44.

72 L. Falkenstein, 'Des actes de juridiction pontificale effectués sans rescrit ou privilège de la chancellerie ? Notes sur les voyages d'Innocent II et Eugène III', in *Aspects diplomatiques*, 141–53, esp. 151–2 (for the lepers of Châlons).

73 C. Oglesby, 'Eugenius at Cîteaux in 1147', Ch. 12, below.

74 *Histoire des conciles*, ed. C.J. Hefele and H. Leclercq (Paris, 1912–13), 5/i, 823–38; Horn, *Studien*, 202–8.

75 R. Hiestand, 'Von Troyes – oder Trier – nach Reims. Zur Generalsynode Eugens III. im Frühjahr 1148', in Dahlaus and Kohnle, *Papstgeschichte und Landesgeschichte*, 329–48.

re-enacted by Lateran III in 1179. In this discussion, two problems specific to the French situation will be examined: heresy and theological speculation.

Several heretical and anticlerical movements had been spreading, especially in Provence and Languedoc, where nobles protected or even joined them.⁷⁶ The Catholic counterattack was still underdeveloped, and new heretical initiatives, such as that of Henry of Lausanne, were able to thrive. In spring 1145, the Cardinal legate Alberic of Ostia called upon Abbot Bernard of Clairvaux and Bishop Geoffrey of Chartres to preach with him against heretics in Toulouse and the surrounding areas. Henry of Lausanne's imprisonment failed to stop the progress of heresy in places such as Verfeil in the Albigeois. The Council of Reims, like Bernard himself, took the view that the Church should punish not only heretics but also those who helped and protected them. In this way feudal lords were held responsible for their political behaviour. On this point Reims built on the canons of the councils of Toulouse (1119) and Lateran II (1139). A new canon forbade the giving of help to heretics in Gascony, Provence, or elsewhere.⁷⁷ This was the real foundation of the later repression of heretics and their protectors which was to develop in the thirteenth century. More directly, the Council of Reims also condemned the heretical followers of Éon of l'Étoile, a wandering Breton preacher who had been apprehended in Champagne.⁷⁸

Theological controversies were also discussed at Reims, but in a meeting after the official council.⁷⁹ Theological innovations had become increasingly noticeable in French monastic and cathedral schools since the late eleventh century, stimulated by the development of dialectic method and the rediscovery of ancient texts. Many clerks from noble Roman families went to French schools to study artes and theology, the keys to a good career in the papal Curia. But in the context of prevalent latent anticlericalism, Bernard of Clairvaux and many bishops, anxious to control theological production, did not hesitate to condemn them: the calamitates of Peter Abelard in Soissons (1121) and Sens (1141) remain famous.⁸⁰ Similarly, Gilbert de la Porrée, bishop of Poitiers from 1142, and a former master in the schools of Chartres and Paris, became embroiled in controversy in consequence

76 M. Roquebert, *L'épopée cathare*, i: *La croisade albigeoise* (Paris, 2001), 47–65.

77 Canon 18 of Reims 1148: *Histoire des conciles*, 5/1, 826.

78 R.I. Moore, *The Birth of Popular Heresy* (Toronto, 1975), 62–6 (from the accounts of Sigebert of Gembloux and of William of Newburgh).

79 N. Häring, 'Notes on the Council and Consistory of Rheims (1148)', *Mediaeval Studies*, 28 (1966), 39–59.

80 P. Zerbi, *Philosophici e logici, un ventennio di incontri e scontri: Soissons, Sens, Cluny (1121–1141)* (Rome, 2002).

of his commentary on the *De Trinitate* of Boethius, which displeased traditionalist patristic exegetes. Bernard of Clairvaux, who represented such traditionalists, sought help from the French bishops and the papacy.⁸¹ Gilbert's ideas were first examined in Paris in a consistory with Eugenius III and his cardinals, open to bishops and scholars on 21 or 22 April 1147. Bishop Gilbert of Poitiers refused to be judged on the summary of his alleged ideas (on the Trinity and the Incarnation) as established by Bernard of Clairvaux, and after he secured from Eugenius III the right to defend himself and his ideas, the conclusions were postponed to a new assembly.

The second act took place in a long disputation held before the pope and cardinals, several prelates and theologians in the archbishop's palace of Reims, after the great council had come to an end in the cathedral on 28 March 1148. Our knowledge of this episode comes mainly from John of Salisbury, who was present, and Otto of Freising and Geoffrey of Auxerre, both of whom were telling the story at second hand. Thanks to the help of the cardinals, Gilbert was not condemned. Indeed, all of them but one (Alberic of Ostia) were upset by Bernard's stratagem against Gilbert.⁸² The abbot of Clairvaux tried to convince the bishops to take action against Gilbert separately before the debate with the Sacred College, but many cardinals resented his influence on Eugenius III. Hyacinth Bobone (the future Celestine III) probably played a leading role because he was the only one among the cardinals who had attended the Council of Sens in 1141, and could therefore remind the other cardinals of the role Bernard had played there: Bernard's condemnation of Abelard to silence and his writings to fire by the bishops, on the eve (24 May 1141) of the public meeting. The sentence was officially promulgated on 25 May, so that Abelard was unable even to defend his ideas in disputation as he wished.⁸³ At Reims, the cardinals thought that Bernard and the French prelates (*Ecclesia gallicana*), followed by English ones, wanted to impose a decision on the Apostolic See in a matter of faith, in which the *Ecclesia Romana* had jurisdiction, so the Sacred

81 A. Hayen, 'Le concile de Reims et l'erreur théologique de Gilbert de la Porée', *Archives d'Histoire doctrinale et littéraire du Moyen Âge*, 10 (1935–6), 26–102. S. Gammersbach, *Gilbert von Poitiers und seine Prozesse im Urteil der Zeitgenossen* (Cologne, 1959) (76–9 for the consistory in Paris; 80–103 for the meeting in Reims). N. Häring, 'Das Pariser Consistorium Eugens III. von April 1147', *Studia Gratiana*, 11 (1967), 91–117; N. Häring, 'Das sogenannte Glaubensbekenntnis des Rheimsers Consistoriums von 1148', *Scholastik*, 40 (1965), 55–90; N. Häring, 'The Writings against Gilbert of Poitiers by Geoffroy of Auxerre', *Annalecta Cisterciensia*, 22 (1966), 3–83. L. Cioni, 'Il concilio di Reims nelle fonti contemporanee', *Aevum*, 53 (1979), 273–300.

82 JS *HistPont*, 19–21 c.9.

83 P. Montaubin, 'Celestine III and France', in *Pope Celestine III (1191–1198): diplomat and pastor*, ed. J. Doran and D. Smith (Aldershot, 2008), 115–16.

College had to reaffirm its ecclesiological position. Eventually, Gilbert de la Porrée was not judged guilty of heresy and was not formally condemned, but he was invited to correct some parts of his work. It was Eugenius, speaking French (*gallica utens lingua*), who explained the judgment to the lay participants.⁸⁴

The organization of diocesan administration

As head of the Church, Eugenius III was eager to reform local churches with a view to securing better pastoral care. However, he took little initiative in transforming the French Church. Ever cautious, he did not presume to give a judgment in the dispute over primacy at the Council of Reims between the archbishops of Lyon, Sens, Tours, Bourges, Reims, and Trier.⁸⁵ Through his constant contact with Bernard of Clairvaux, however, he was involved in problems concerning several episcopal elections, which had been free from royal control since 1144.⁸⁶ It may have been at Bernard's request that Eugenius dismissed Bishop William from his see of Rodez in summer 1145.⁸⁷ At the end of 1145 or early in 1146, he mandated the bishops of the province of Sens to judge Elias, bishop of Orléans, on a number of accusations made since 1144 (a procedure initiated by Pope Lucius II). Elias eventually preferred to resign, following the advice of Bernard of Clairvaux.⁸⁸ Early in 1147, Eugenius confirmed the election of Gerard as bishop of Sées, despite a canonical irregularity and the hostility of Geoffrey Plantagenet, duke of Normandy.⁸⁹ In 1149, he confirmed the election of Hugh for the see of Angoulême. Although Abbot Peter of Cluny supported Hugh's candidacy, Bernard of Clairvaux opposed it.⁹⁰ In 1152, after a disputed election and an inquiry by papal judges delegate, Alan, the Cistercian abbot of Larivour near Troyes, was elected as bishop of Auxerre against the preferred candidate of the count of Auxerre, succeeding the Cistercian bishop Hugh of Mâcon.⁹¹

84 JS *HistPont*, 23 c.10.

85 JS *HistPont*, 4–6 c.1.

86 Sassier, *Louis VII*, 107–31; Pacaut, *Louis VII et les élections*.

87 Teubner-Schoebel, *Bernard von Clairvaux*, 228–33; Bernard, 'Epistolae', viii, nos 328, 329, 340.

88 Teubner-Schoebel, *Bernard von Clairvaux*, 285–90.

89 Ibid., 234–7.

90 Ibid., 237–42.

91 Ibid., 245–54; *Les Gestes des évêques d'Auxerre*, ed. M. Sot (Paris, 2006), ii, 96–110.

Eugenius III also put an end to an old dispute about the bishopric of Tournai.⁹² Since the sixth century, the see of Tournai had been united with Noyon, which was the customary seat of the bishop. Following the separation of the bishoprics of Cambrai and Arras in 1093–4 by Pope Urban II, the clergy of Tournai appealed to the Apostolic See for their own bishop, but in vain because it ran against the interests of the French king. On 30 December 1141, at a time when Louis VII was on bad terms with the papacy, Innocent II announced the autonomy of the church of Tournai, but the archbishop of Reims refused to consecrate Absalon who had been elected bishop by the canons of Tournai; however, Absalon died soon after the election. The chapter presented a new request to the newly elected Eugenius, who answered that he would follow the advice of Bernard of Clairvaux. In council with his cardinals, Eugenius appointed as bishop of Tournai on 15 March 1146 Anselm, abbot of Saint-Vincent, Laon, who was at the Roman Curia on the business of his monastery.⁹³ The pope consecrated him on 25 March, and put forward pastoral reasons to explain the separation of the dioceses of Noyon and Tournai. In so doing he showed an awareness of the demographic dynamism of northern France and the new pastoral efforts that this implied, and in 1149, after the death of Anselm, the pope and Bernard of Clairvaux encouraged the Cistercian Gerard to accept his election as bishop of Tournai.⁹⁴ These interventions show Eugenius III accepting his responsibility as a pope in the Gregorian model who transformed ecclesiastical geography and pastoral care throughout Christendom. He also shared the view of Bernard about Cistercian monks, who had to seek sainthood in their monasteries, but also provided a reservoir of good pastors for the secular Church.

Eugenius III and the reform of individual communities

It was at about this period that following a rule became a primary concern within the religious life. Plurality of choice entailed many changes that were generally unfavourable to secular canons. Some of the most impressive reforms were in the great ancient secular collegiate churches, such as

92 Horn, *Studien*, 127–31.

93 *PL*, clxxx, 1122–4; *JL* 8886–93.

94 Salimbene de Adam, *Cronica*, ed. G. Scalia (Turnhout, 1998), i, 216.

Sainte-Geneviève in Paris⁹⁵ and Saint-Corneille in Compiègne,⁹⁶ both royal towns. These prestigious royal foundations enjoyed a common feature in that each functioned as a royal necropolis. The royal house appears to have preferred monks rather than secular canons to preserve the royal memoria, as was the case at Saint-Denis; consequently the communities at these churches were encouraged to undergo reform by adopting a monastic rule. These reforms were accepted by Eugenius III who sent letters in 1148 and 1150 at the request of Louis VII, and were largely implemented by Abbot Suger. The canons of both churches, however, resisted. The canons of Sainte-Geneviève gained the concession from Eugenius that they would be replaced not by monks from the Cluniac priory of Saint-Martin-des-Champs in Paris, but by regular canons from Saint-Victor, also in Paris.⁹⁷ In Compiègne, violent opposition was led by Philip, brother of the king and treasurer of the former collegiate church. It is noticeable that the initiative for reform in Compiègne was taken when Louis VII met Eugenius in Tusculum in October 1149, on his return from crusade with his friend Odo of Deuil, monk of Saint-Denis, who was to become the first Benedictine abbot of Compiègne and then the successor of Suger as abbot of Saint-Denis in 1151.⁹⁸

Conclusion

According to John of Salisbury, Eugenius held the French kingdom in higher esteem than any other kingdom.⁹⁹ Following a trend developed over a century, Eugenius increased links between the papacy, the French

95 P. Féret, *L'abbaye de Sainte-Geneviève et la congrégation de France précédée de la vie de la patronne de Paris*, 2 vols (Paris, 1883); R. Giard, 'Étude sur l'histoire de l'abbaye de Sainte-Geneviève de Paris jusqu'à la fin du XIII^e siècle', *Mémoires de la Société de l'histoire de Paris et de l'Île-de-France*, 20 (1903), 41–126, here 55–9; Grant, *Abbot Suger*, 166–9; Horn, *Studien*, 114–20; *PU Frankreich*, NF, vii, *Diözese Paris*, i: *Urkunden und Briefsammlungen der Abteien Sainte-Genevieve und Saint-Victor*, ed. D. Lohrmann (Göttingen, 1989), 24, 189–210 nos 26–40; *PU Frankreich*, NF, ix, *Diözese Paris*, i: *Abtei Saint-Denis*, ed. R. Grosse (Göttingen, 1998), 37 nos 72, 77; 38 no. 79; 39 no. 90; Suger, *Œuvres*, ii, 4–13 no. 2, 14–25 no. 4, 26–33 no. 5, 107 no. 24, 109 no. 28, 109–10 no. 29, 110 no. 30, 113–14 no. 41, 114 no. 43, and 143–4 no. 128.

96 F. Gasparri, 'Suger, abbé de Saint-Denis et la réforme de l'abbaye de Saint-Corneille de Compiègne', in 'L'abbaye Saint-Corneille de Compiègne des origines à nos jours', *Bulletin de la Société historique de Compiègne*, 39 (2005), 109–20; Grant, *Abbot Suger*, 280–2.

97 *PU Frankreich*, NF, viii, 191–2 no. 28, 197–8 no. 31.

98 The succession was obtained, not without difficulties, with the help of Bernard of Clairvaux, who recommended him to Eugenius III and to Cardinal Hugh of Ostia: Teubner-Schoebel, *Bernard von Clairvaux*, 135–40. The new abbot persecuted Simon, nephew of the late Suger, who found shelter at the papal court: *PL*, clxxx, 1499 no. 481, *RHGF*, xv, 469, *JS HistPont*, 87–8 c.44.

99 *JS HistPont*, 62 c.29.

Church, and the French king. With the help of other great figures such as the abbots Bernard of Clairvaux, Suger of Saint-Denis, and Peter the Venerable of Cluny, pope and king used their powers to help each other maintain their sovereignty over the French Church and realm. The apostolic protection given by Eugenius to the French kingdom could help royal authority establish itself beyond the royal domain. The slow development of papal centralization wove new links, while at the same time offending many, such as Bernard of Clairvaux. Yet royal-papal collaboration was limited by the pursuit of separate aims. Eugenius saw France as an important and dynamic part of Christianity, where the reformed papacy could seek shelter and where forces for war against the Muslims could be recruited. But the pope also had to focus on his political position in Italy. Louis VII, for his part, needed to retain sufficient autonomy to defend royal interests against local churches, or to pursue the annulment of his marriage with Eleanor. Following the deaths of Suger (1151), Bernard of Clairvaux, and Eugenius III (1153), and the rise of new sovereigns (Henry II Plantagenet and Frederick I Hohenstaufen), the papacy had to find new paths to develop the papal monarchy in Western Christianity.

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8. A Golden Rose and the Deaf Asp that Stoppeth her Ears: Eugenius III and Spain

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Abstract

This chapter explores the relationship between Eugenius III and the Iberian peninsula. Rather than attempting to cover every aspect of papal involvement, it concentrates on the series of military campaigns conducted by various Hispanic rulers; the issue of the Toledan primacy; the territorial dispute between the churches of Huesca and Roda; and the extension of papal protection for monasteries and episcopal sees. Although it is often assumed that the pope was significantly involved in the successful Christian campaigns at Lisbon, Almería, and Tortosa, this was not the case (although he was influential in lesser campaigns). He could not make much headway on the primacy issue. His main involvement in the peninsula lay in the extension of papal jurisdiction and protection.

Keywords: Almoravids; Santarém; *De expugnatione Lyxbonensi*; Afonso Henriques; Alfonso VII of León-Castile; Tortosa; *Universis Dei fidelibus*

Given that, by the mid-twelfth century, appeals were coming to the pope from all over the world, as Bernard of Clairvaux reminded his pupil, it is not possible in a short paper to deal with every aspect of the relationship between the papacy and the Iberian peninsula during Eugenius III's pontificate.¹ I have therefore decided to concentrate on the influence of Eugenius in the military campaigns of the Christians against Muslims; decisions made by the pope concerning the primacy of Toledo; disputes

1 Bernard, 'De consideratione', 435 (iii.2); *PL*, clxxxii, 761.

between Roda and Huesca over various churches (which represent the increasing number of boundary disputes coming to the Curia); and the pope's responsibilities for the care of episcopal sees and the protection of ecclesiastical institutions. Eugenius's pontificate saw major developments in the political and ecclesiastical history of the Iberian peninsula and the pope played a significant part in these developments. In all probability, the matter which interests historians most, the Christian–Muslim conflict in Spain, was of less interest to Eugenius, though it was here that he had most obvious success, while in the area to which he gave most attention, the settling of complicated ecclesiastical disputes, his decisions, perhaps unsurprisingly, often failed to put an end to arguments.

The Military Campaigns

When *Quantum praedecessores* was issued to Louis VII and God's faithful throughout Gaul, Eugenius was concerned generally with the long-term commitment of the Roman pontiffs for the liberation of the Eastern Church, and immediately with the recent capture of Edessa by those who hated the Cross of Christ.² Although previous papal letters to Spain influenced the wording of *Quantum praedecessores*, the continuation of the battle against the Almoravids in the Iberian peninsula was evidently not on the pope's mind, not even to the extent of issuing letters, as some of his predecessors had done, encouraging Christians in Spain to continue with their struggle at home.³ Yet because Eugenius's call for an attack on the multitude of the infidel and the defence of the Eastern Church coincided with a period of especially intensive military campaigning within the peninsula, encouraged by the increasing disaffection of Andalusi Muslims with the Almoravid regime and the advance of the soldiers of Abd al Mumin in North Africa, the pope's letter and his subsequent actions were to have a significant bearing on the history of the Christian–Muslim conflict in the West.⁴ Because these conflicts were fought

2 *PL*, clxxx, 1064–6 no. 48; *JL* 8796.

3 On the influence of bulls to the Iberian peninsula on *Quantum praedecessores*, see Horn, *Studien*, 329–30 n. 407. On papal encouragement of the battles against the Muslims in the peninsula and discouragement of Christian Spaniards going to fight in the Holy Land, see J.F. O'Callaghan, *Reconquest and Crusade in Medieval Spain* (PA, 2003), 23–49 and the contrasting view of W.J. Purkis, *Crusading Spirituality in the Holy Land and Iberia, c.1095–c.1187* (Woodbridge, 2008), 120–38.

4 On the Almoravids, their decline and the rise of the Almohads, see M.J. Viguera Molins, *El retroceso territorial de al-Andalus: Almorávides y Almohades, siglos XI al XIII* (Madrid, 1998).

by various Christian rulers with significantly different relationships to the Apostolic See, to understand them best we have to view them individually.

The Campaign of Santarém and Lisbon

The history of Portugal in this period cannot be understood without an understanding of its relationship to the papacy.⁵ Soon after his victory against the Muslims at Ourique in 1139, Afonso Henriques of Portugal had begun to use the royal title.⁶ On 13 December 1143, with the famous letter *Claves regni*, entitling himself as king of Portugal by the grace of God, Afonso did homage to the pope, Innocent II (who was already dead by then), through the hands of the papal legate Cardinal Guido, and offered his land to St Peter and the Roman Church in return for protection. Declaring himself a knight of St Peter, Afonso promised to work for the defence and solace of the Apostolic See, accepting the authority of no other ecclesiastical or secular lord and pledging an annual tribute of four ounces of gold.⁷ This was a calculated move by which Afonso both sought to diminish the potential influence in his lands of Alfonso VII of Castile and further increase his standing in Christendom, by receiving acknowledgment of his royal status from the Apostolic See. But Afonso was to be disappointed. For when Pope Lucius II replied with *Devotionem tuam* (1 May 1144), while expressing himself delighted with the homage done through Cardinal Guido and the payment

5 See especially *PU Portugal*; P. Feige, 'Die Anfänge des portugiesischen Königtums und seiner Landeskirche', *Spanische Forschungen der Görres-Gesellschaft: Gesammelte Aufsätze zur Kulturgeschichte Spaniens*, 29 (1978), 85–436; M.A. Marques, J. Soalheiro, *A corte dos primeiros reis de Portugal: Afonso Henriques, Sancho I, Afonso II* (Somonte-Cenero, 2009); S. Lay, *The Reconquest Kings of Portugal: political and cultural reorientation on the medieval frontier* (Basingstoke, 2009).

6 *Documentos Medievais Portugueses: Documentos Régios*, ed. R.P. de Azevedo et al., 4 vols (Lisbon, 1958–80) [hereafter DMP], i, 215–16 no. 176; C. Erdmann, *De como Afonso Henriques assumiu o título de rei* (Coimbra, 1940); J. Mattoso, 'A realza de Afonso Henriques', in idem, *Fragmentos de uma Composição Medieval* (Lisbon, 1987), 213–32.

7 DMP, i, 250 no. 202. See also A. García y García, 'Reforma Gregoriana e idea de la "militia sancti Petri" en los reinos ibericos', *Studi Gregoriani*, 13 (1989), 241–62; J. Fried, *Der päpstliche Schutz für Laienfürsten: Die politische Geschichte des päpstlichen Schutzprivilegs für Laien* (11.–13. Jh.) (Heidelberg, 1980), 140–2. A century on, Archbishop Rodrigo Jiménez de Rada in his lastingly influential *De rebus Hispanie* considered that Afonso had agreed to this with Eugenius III and gained many privileges in return (Rodrigo of Toledo, *Historia de rebus Hispanie sive Historia Gothica*, ed. J. Fernández Valverde, CCCM, 72 (Turnhout, 1987), 227 (vii.6): 'Hic primus in Portugalia sibi imposuit nomen regis, cum pater eius comes et ipse dux ante adicerentur, et ab Eugenio Papa tercio, cui regnum suum constituit censuale, multa privilegia et indulgencias impetrauit'.

of the annual census, as well as praising his efforts 'to oppose the pagans', the pope sent his blessing to 'Afonso, illustrious duke of Portugal', not king of Portugal.⁸ This letter would undoubtedly have come as a severe blow to Afonso, just as he sought to increase his standing through increased ties with the Templars, the Cistercians, and the canons regular. Yet when news arrived in 1146 of the recently elected Eugenius III's initiative in *Quantum praedecessores*, Afonso was ready to seize his opportunity.⁹

Even though it seems unlikely that the famous letter 308 of Bernard of Clairvaux to Afonso is anything other than a forgery, and therefore there is really no indication that the abbot sent documents to Afonso either responding to his plan for the Lisbon campaign or setting forth the liberality of the Holy See, nevertheless it is highly probable that Afonso did anticipate the possibility that he would receive help in such a campaign and perhaps considerably before the foreign crusaders, some of whom were there through Bernard's preaching, came down the west coast of the peninsula.¹⁰ The first necessary step on the part of Afonso was the capture by the Portuguese of the formidable city of Santarém, at the head of the Tagus estuary, which he achieved in March 1147, and the horrors of which are described and perhaps exaggerated in loving detail by the *Vita Sancti Theotonii* and the *De expugnatione Scalabis*, which artistically purports itself to be Afonso Henriques's personal view of events.¹¹ Afonso granted the ecclesiastical property of Santarém to the Templars to be exchanged for holdings elsewhere 'if perhaps it will happen at some time that God gives me the city called Lisbon'.¹² That opportunity came as soon as the summer, with what was by then the expected arrival of the forces ultimately bound for the Holy Land, not all of whom were enthusiastic to fall in with Afonso's plans or

8 JL 8590; *PL*, clxxix, 860–1 no. 26.

9 On this see M.J.V. Branco, 'Introdução: A conquista de Lisboa na estratégia de um poder que se consolida' in *A Conquista de Lisboa aos Mouros: Relato de um Cruzado*, ed. and trans. A.A. Nascimento (Lisbon, 2001), 9–39.

10 Bernard, 'Epistolae', viii, 228 no. 308. Both H. Livermore, 'The "Conquest of Lisbon" and its author', *Portuguese Studies*, 6 (1990), 1–16, and J. Phillips, 'St Bernard of Clairvaux, the Low Countries and the Lisbon Letter of the Second Crusade', *Journal of Ecclesiastical History*, 48 (1997), 485–97 argued for the authenticity of the letter, although Phillips, *Second Crusade*, 311 n. 20, is now more cautious. On the problems of the letter see A. Forey, 'The Siege of Lisbon and the Second Crusade', *Portuguese Studies*, 20 (2004), 1–13.

11 *Vita Sancti Theotonii*, in *Portugaliae Monumenta Historica*, ed. A. Herculanio, J. Silva Mendes et al. (Lisbon, 1856–98), *Scriptores*, i, 79–88; *De expugnatione Scalabis*, in *Portugaliae Monumenta Historica: Scriptores*, i, 93–5.

12 *DMP*, i, 272 no. 221; *Chancelarias Medievais Portuguesas: Documentos de Chancelaria de D. Afonso Henriques*, ed. A.E. Reuter (Coimbra, 1938), 209–10.

even aware of them, if we are guided by the *De expugnatione Lyxbonensi*, probably written by the Anglo-Norman priest Raol or possibly by the dean of Lisbon, Robert.¹³

Whether all of the foreign company knew in advance what was to occur or whether much came as a surprise to many of them, does not alter the fact that they played a very substantial part in the Lisbon conquest completed on 24 October 1147 and that conquest would not have come about without them.¹⁴ It is also certain that they had initially embarked on a military campaign against the Muslims (though not the Muslims of al-Andalus) because of the initiative undertaken by Eugenius III and Bernard of Clairvaux. It is also the case that contemporary and near-contemporary chroniclers, some with the benefit of hindsight, saw the Lisbon conquest as having been part of a wider crusading enterprise.¹⁵ But there is nothing really to suggest that Pope Eugenius had any foreknowledge of any plan to stop off at Lisbon. It does not appear that he ever extended the indulgence to the Portuguese fighting for that conquest nor that he appointed any legates for the campaign. Since there is no mention of either in any of the sources, one strongly suspects that he did not. It should be added as well that Eugenius did not give any support to Afonso's subsequent campaigns, including that which returned Bishop Gilbert of Lisbon to his native England for the purpose of recruitment in 1150.¹⁶ Equally Afonso, for all his enterprise, did

13 The sermon of Pedro Pitões of Porto and its aftermath (*De expugnatione Lyxbonensi* = *The Conquest of Lisbon*, ed. and trans. C.W. David, 2nd edn (New York, 2001), 71–111; *A Conquista de Lisboa aos Mouros*, 60–99) strongly suggests both a careful Portuguese plan and also that many of the crusaders were unaware of that plan and unwilling to suffer a delay on the passage to the Holy Land. Concerning the authorship of *De expugnatione Lyxbonensi*, Livermore ('The "Conquest of Lisbon" and its author') argued persuasively though not completely convincingly for Raol/Randulfus, while Branco ('Introdução: A conquista de Lisboa', 29–31) makes an enticing case for the better placed dean Robert.

14 The fleet which set sail from Dartmouth was very large, by contemporary estimates between about 150 and 200 ships (*De expugnatione Lyxbonensi*, 52–3; S.B. Edgington, 'The Lisbon Letter of the Second Crusade', *Historical Research*, 69 (1996), 328–39, at 336; 'Notícia de fundação do Mosteiro de S. Vicente de Lisboa', in *A Conquista de Lisboa aos Mouros*, 178).

15 Most famously Helmold of Bosau, in his *Chronica Slavorum*, ed. J. Lappenberg and B. Schmeidler, 3rd edn (Hanover, 1937) writing in 1167/8, considered that those who had initiated the expedition which we call the Second Crusade did so devoting one part of the army to the East, one to Spain, and a third against the Slavs (*Chronica Slavorum*, 115) and he considered that the capture of Lisbon alone was successful because of the work of the pilgrim army (*Chronica Slavorum*, 118). For other sources, see Phillips, *Second Crusade*, 142; G. Constable, 'The Second Crusade as Seen by Contemporaries', *Traditio*, 9 (1953), 213–79, at 223–4.

16 John of Hexham, *Historia*, ed. T. Arnold, in *Symeonis monachi opera omnia*, 2 vols, RS 75 (London, 1882–5), ii, 324.

not achieve what he may have most expected through his further military success – the recognition by the papacy of his royal authority. This was because of events in Castile.

The Campaigns of Almería and Jaén

By the time Eugenius III was surprisingly elected pope on 15 February 1145, Alfonso VII of León-Castile was a highly experienced ruler, who claimed superiority over other rulers in the Iberian peninsula reflected in his imperial title.¹⁷ His insistence on keeping very tight control over the episcopate in his realms meant that he often had a somewhat tense relationship with the papacy.¹⁸ At the time when news of *Quantum praedecessores* would have reached Castile, Alfonso's lieutenants had just inflicted a major defeat on the Muslims of Valencia and Murcia and Alfonso was already deeply committed to a campaign in Córdoba, which would see him taking most of the city before conceding most of it to Ibn Gániya as his vassal, when news of the Almohad advance reached him.¹⁹ While he was besieging Córdoba, Alfonso received a delegation from the Genoese, who had obtained only limited success in an attack on coastal Almería and were proposing a joint venture in the following year.²⁰ To this Alfonso agreed and support was also sought from, amongst others, the count of Barcelona, Ramon Berenguer IV, and William VI of Montpellier.²¹

Alfonso's success in Córdoba, as well as his previous triumphs, excited the mind of the pope. Although until now Spain had not held centre-stage in Eugenius's thought, from this time forward he perceived the conflicts being waged in Spain as part of a more general movement of the Christian

17 On Eugenius's election, see C. Spornick, 'The Life and Reign of Pope Eugene III (1145–1153)', unpublished PhD thesis, University of Notre Dame (1988), 54–89. For the reign of Alfonso VII, see B. Reilly, *The Kingdom of León-Castilla under King Alfonso VII (1126–1157)* (Philadelphia, 1998); M. Recuero Astray, *Alfonso VII, Emperador: el imperio hispánico en el siglo XII* (León, 1979).

18 On Alfonso and the episcopate, see B.F. Reilly, 'On Getting to be a Bishop in León-Castile: the "Emperor" Alfonso VII and the post-Gregorian Church', *Studies in Medieval and Renaissance History*, 1 (1978), 35–68.

19 *Chronica Adefonsi Imperatoris*, ed. A. Maya Sánchez in *Chronica Hispana Saeculi XII*, ed. E. Falque, J. Gil, and A. Maya, CCCM, 71 (Turnhout, 1990), 109–248, at 242–7; Reilly, *Alfonso VII*, 92–3; Recuero Astray, *Alfonso VII*, 174–8.

20 *Chronica Adefonsi Imperatoris*, 246–7; *Annali genovesi di Caffaro e de'suoi continuatori*, ed. L. Belgrano, 5 vols (Rome, 1890–1929), i, 33–5.

21 *Codice diplomatico della Repubblica di Genova*, ed. C. Imperiale di Sant'Angelo, 2 vols (Rome, 1936–42), i, 204–9 nos 166–7; *Chronica Adefonsi Imperatoris*, 247.

faithful against the infidel. In *Divini dispensatione* of 13 April 1147, Eugenius expressed this idea clearly and referred to the fact that Alfonso VII (the *Rex Hispaniarum* – the papacy did not recognize any other kings in Spain at this point) had often triumphed through the grace of God against the Saracens.²² Yet it is worthy of note that whereas Eugenius compares the forthcoming campaign for the Eastern Church with the Spanish campaign and also that against the Slavs, the bull speaks only of Urban II's remission of sins for those who go against the Slavs, without mention of a similar concession for those going against the Saracens in Spain.²³ Nor is there a separate extant bull which does so. It is the case that, according to Caffaro, 'the Genoese prompted and called by God through the Apostolic See, swore to lead an army against the Saracens of Almería'.²⁴ Also the *Chronica Adefonsi Imperatoris* has Bishop Arnaldo of Astorga sent as a legate by Alfonso VII to the count of Barcelona and the lord of Montpellier 'pro suarum animarum redemptione'. Moreover, the *Prefatio de Almaria* declared that all the bishops of Toledo and León (that is to say, all the bishops of Alfonso's kingdom) granted pardon of sins to those who participated, and that Bishop Arnaldo again (who may have been the author of the *Prefatio*) offered that the well-confessed would see the sweet doors of paradise opened to them. Nevertheless, there does not appear to be a very clear indication that the Spanish participants had received from the pope himself the same pardon of sins which the Genoese participants appear to have received from him.²⁵

Primarily through the work of the Genoese, Almería fell on 17 October 1147, one week before Lisbon fell to Afonso Henriques.²⁶ The success of Afonso was undoubtedly troubling to Alfonso VII because it increased Portugal's independence and it was coupled with the refusal of the formidable Archbishop João Peculiar of Braga to recognize the primacy of Toledo. Late in 1147, Eugenius called on Alfonso to summon a council as a prelude to the council which the pope was to hold in Reims. This Alfonso did at Palencia on 16–17 February 1148, and it seems reasonable to surmise that he discussed there many of the issues which would be dealt with at Reims, including the

22 *PL*, clxxx, 1203–4 no. 166. It might be relevant here that Alfonso VII's sister Sancha had made a donation to the Cistercians on 20 January 1147, a donation which Alfonso would confirm to Bernard of Clairvaux on 6 April 1149 (*El Reino de León en la alta edad media: las cancellerías reales* (1109–1230), ed. M. Lucas Álvarez, 279 no. 502).

23 *PL*, clxxx, 1203–4 no. 166.

24 Caffaro, *De captione Almarie et Tortuose*, ed. A. Ubieto Arteta (Valencia, 1973), 21.

25 *Chronica Adefonsi Imperatoris*, 247; *Prefatio de Almaria* in *Chronica Hispana Saeculi XII*, ed. E. Falque, J. Gil, and A. Maya, *Corpus CCCM*, 71 (Turnhout, 1990), 255–67, at 256, 267.

26 Caffaro, *De captione Almarie et Tortuose*, 21–4.

continued advance against the Muslims and the papal attitude towards Portugal.²⁷ Although it seems that Alfonso VII was not quite sure about the nature of the papacy's relationship with Afonso Henriques, he believed that it was to his detriment. In an important letter, *In pastorum specula*, dated 27 April 1148, Eugenius assured Alfonso that he in no way intended to diminish his honour or dignity or the rights of his kingdom, pointing out that he had willingly granted his petitions for an expedition against the 'tyranny of the infidels' and was prepared to approve similar petitions in the future. In the light of this, Alfonso should cease complaining on the basis of his belief that Eugenius had received anything from or granted anything to the duke of Portugal whereby the rights of Alfonso's kingdom would be reduced, withdrawn, or permanently injured.²⁸ In fact, the bishop of Braga and his suffragans had been ordered to obey the archbishop of Toledo as primate, and Braga had been suspended for disobedience. Recollecting the love and devotion of his grandfather Alfonso VI for the Roman Church, the pope encouraged Alfonso VII to persist in obedience and devotion to St Peter and to labour for the subjugation of the barbarian nations with the help of God. Moreover, as a sign of good will and favour, Eugenius sent the king a golden rose by the hands of Bishop Pedro of Segovia. This 'sign of the passion and resurrection of our Lord Jesus Christ', which the pope himself carried each year on Laetare Sunday, was at the time a very special gift.²⁹

This letter has been described as 'in mehrfacher Hinsicht ein diplomatisches Meisterstück'.³⁰ It played down the importance of Afonso Henriques and the archbishop of Braga and exalted the king of León-Castile and his family, but the underlying problems of the rise of Portugal and the subordination of Braga to Toledo could not be smoothed over by diplomatic

27 J.S. de Aguirre, *Notitia conciliorum Hispaniae* (Salamanca, 1686), 310; N. Häring, 'Die spanischen Teilnehmer am Konzil von Reims im März 1148', *Mediaeval Studies*, 32 (1970), 159–71; on João, see A. Jesus da Costa, 'D. João Peculiar, co-fundador do Mosteiro de Santa Cruz de Coimbra, bispo do Porto e arcebispo de Braga', in *Santa Cruz de Coimbra do século XI ao XX: Estudos*, ed. A.J. da Costa (Coimbra, 1984), 59–83.

28 JL 9255; *La documentación pontificia hasta Inocencio III (965–1216)*, ed. D. Mansilla (Rome, 1955) [hereafter, MDI], 94–6 no. 78, at 95: 'Dignum est igitur, ut de cetero a querimonia tua desistas, in eo videlicet quod a Portugallensi duce nos aliquid recepisse, vel ei etiam concessisse, quorum nescimus persuasionibus opinatus es, unde iura regni tui deberent imminui vel auferri vel persone in curia irrogari'. Cf. *PL*, clxxx, 1345–7 no. 296, at 1346.

29 Ibid. On the history and significance of the golden rose, see E. Cornides, *Rose und Schwert im päpstlichen Zeremoniell* (Vienna, 1967).

30 Horn, *Studien*, 161.

gesture.³¹ Nevertheless, Eugenius had granted papal approbation for Alfonso's campaign, and the king led an unsuccessful expedition against Jaén later in 1148, for which records are few.³²

As far as we know he did not petition Eugenius for subsequent support in his various campaigns against Córdoba (of which he had lost control), Jaén (where in 1151 he awaited a Frankish fleet which never materialized), or Guadix. As the Almohads advanced, Almería was lost in 1157.³³ The main, though minor, achievement of Pope Eugenius in these campaigns appears to have been in the support he gave at Almería to the Genoese, who were also to play a large role in the Tortosan campaign.

The Campaign of Tortosa and Lleida

Ramon Berenguer IV was the count of Barcelona from 1131 as well as ruler in the kingdom of Aragon from 1137, when he had contracted a marriage with Petronila, the infant daughter of Ramiro II, who soon after withdrew to the monastery of San Pedro el Viejo in Huesca.³⁴ Because Ramiro's brother, Alfonso I, had in his will bequeathed his kingdom to the religious of the Temple, the Hospital and the Holy Sepulchre, and the papacy upheld that will and never recognized Ramiro's kingship, Ramon Berenguer had essentially bought these three orders out in order to acquire Aragon.³⁵ Thus the count ruled over the Iberian lands which had consistently enjoyed the closest long-term association with the papacy of the Gregorian–Urbanic reform and which in a complicated variety of forms were under the protection of

31 See D.J. Smith, 'The Iberian Legations of Cardinal Hyacinth Bobone' in *Pope Celestine III (1191–1198): diplomat and pastor*, ed. J. Doran and D.J. Smith (Farnham, 2008), 81–111, at 90–1.

32 See S. Barton, 'A Forgotten Crusade: Alfonso VII of León-Castile and the campaign for Jaén (1148)', *Historical Research*, 73 (2000), 312–20.

33 Reilly, *Alfonso VII*, 376 nos 702–8; 380 nos 752, 755; F.J. Hernández, *Los Cartularios de Toledo: Catálogo documental* (Madrid, 1985), 81 no. 81; Ibn 'Idhārī, *Al-Bayan al-Mugrib: Nuevos fragmentos almorávides y almohades*, trans. A. Huici Miranda (Valencia, 1963), 302–5, 311–12; E. Lévi-Provençal, 'Un recueil des lettres officielles almohades', *Hesperis*, 28 (1941), 1–80, at 39 no. 16.

34 *Documentos de Ramiro II de Aragón*, ed. A. Ubieto Arteta (Zaragoza, 1988), 146–7 no. 119; M. Aurell, *Les Noces del Comte: Matrimoni i poder a Catalunya (785–1213)* (Barcelona, 1998), 340–51; A. Ubieto Arteta, *Los esponsales de la reina Petronila y la creación de la corona de Aragón* (Zaragoza, 1987).

35 *Liber feudorum maior*, ed. F. Miquel Rosell, 2 vols (Barcelona, 1945–7), i, 10–12 no. 6, 15–18 nos 10–12; *Els pergamins de l'Arxiu Comtal de Barcelona*, iii, 1269–74 nos 773–5; *PU Spanien*, i, 318 no. 50.

the Apostolic See.³⁶ In the conflicts for the expansion of the Christian faith, the kings of Aragon and counts of Barcelona had very often co-operated closely with the papacy and the papacy had held the restoration of the churches of the lands of the eastern Iberian peninsula as a major goal prior to Urban's call for the East in 1095.³⁷ By the mid-1140s, with Muslim Spain in disarray, Ramon Berenguer seized the opportunity he needed to consolidate Tarragona and capture Lleida (the necessary 'bridge' for the actual union of Aragon and the counties of Catalonia) through the capture of Tortosa, itself a strategically very important town on the Ebro both militarily and commercially and a long-term ambition of the Barcelonan counts.³⁸

The capture of Tortosa was also related to the recovery of the Church of Tarragona. Although Tarragona had been in Christian hands for some time by 1146, the process of its ecclesiastical restoration had been a slow one. When the new archbishop of Tarragona, Bernat Tort, came to Rome in 1146 to receive his consecration and the pallium, Eugenius recognized the great efforts of his papal predecessors in attempting to restore the city and church and encouraged Bernat in his efforts to do the same.³⁹ Eugenius also, following his predecessors, conceded that, if divine clemency returned it to the Christian people (*si divina clementia populo christiano reddiderit*), Tortosa would be under the metropolitan authority of Tarragona and be a 'parish' within it until such time as it had its own shepherd.⁴⁰ It is not clear whether Bernat or Eugenius knew that a campaign was about to take place, since this letter merely repeated a stipulation which the popes, most recently Lucius II, had made previously.⁴¹

However, soon after Bernat Tort's visit to the pope, Ramon Berenguer IV was, in August 1146, to offer the lordship of Tortosa and the Balearics

36 On which see Fried, *Der päpstliche Schutz*; P. Kehr, *El papat i el principat de Catalunya fins a la unió amb Aragó* (Barcelona, 1931); idem, 'Cómo y cuándo se hizo Aragón feudatario de la Santa Sede', *Estudios de edad media de la Corona de Aragón*, 1 (1945), 285–326; idem, 'El Papado y los reinos de Navarra y Aragón hasta mediados del siglo XII', *Estudios de edad media de la Corona de Aragón*, 2 (1946), 74–185.

37 See O'Callaghan, *Reconquest and Crusade*, 23–41.

38 See F. Soldevila, *Ramon Berenguer IV el Sant* (Barcelona, 1955); on the history of Tortosa in this period, see A. Virgili, *Ad detrimentum Yspanie: La Conquesta de Turtusa i la formació de la societat feudal (1148–1200)* (Valencia, 2001).

39 JL 8928; MDI, 92 no. 76. On Tarragona pre- and post-conquest, see L. McCrank, 'Restoration and Reconquest in Medieval Catalonia: the church and principality of Tarragona, 971–1177', unpublished PhD thesis, University of Virginia (1974).

40 MDI, 92 no. 76.

41 Ibid., 87 no. 71. Lucius's bull recalled that of Urban II of 1 July 1089 (JL, 5401) and both Eugenius and Lucius recalled that of Gelasius II of 21 March 1118 (JL, 6636).

and the dominion of a third part of them to his seneschal Guillem Ramon de Montcada.⁴² A little later, the commune of Genoa agreed with Ramon Berenguer to send an army for the capture of Tortosa and the Balearics in return for a third of what they were to conquer.⁴³ This agreement was to draw a strong reaction from the Pisans who had given help to Ramon Berenguer's father.⁴⁴ The Genoese had, of course, in September 1146, agreed on the attack on Almería with Alfonso VII of Castile (in which Ramon Berenguer IV participated) and planned for two campaigns.⁴⁵ Since Almería was only captured in October 1147, this meant that while both the count's forces and the Genoese returned to Barcelona to regroup, the campaign would take place in 1148.⁴⁶

It should be said that no mention of the planned campaign was made by Eugenius in *Divini dispensatione* in April 1147. Nor as far as we know did he issue a crusading bull in its favour. The bull *Universis Dei fidelibus*, dated from Segni on 22 June, so often cited to indicate that Eugenius had, in 1147 or 1148, given his full support to the Tortosan campaign, is in fact a letter of 1152 (the only year of his pontificate when Eugenius was in Segni at that date).⁴⁷ Although the Genoese may well have considered themselves to be continuing the work the pope had given them, and the Anglo-Norman participants moving on from Lisbon may have thought Tortosa one step further along the path *Quantum praedecessores* had set them on, there is again surprisingly little indication that Ramon Berenguer IV and his people and his allies received any papal backing for the campaign which resulted in the capture of Tortosa on 31 December 1148. Nor do they appear to have done so for the subsequent campaigns in the following year, which saw Lleida as well as other important towns taken in October. Nicholas Breakspear

42 *Els pergamins de l'Arxiu Comtal de Barcelona, de Ramon Berenguer II a Ramon Berenguer IV*, ed. I. Baiges, G. Feliu, and J. Salrach, 4 vols (Barcelona, 2010), iii, 1379–80 no. 852; *Liber feudorum maior*, i, 485 no. 462.

43 *Els pergamins de l'Arxiu Comtal de Barcelona*, iii, 1381–6 nos 854–5; Imperiale, *Codice diplomatico*, i, 210–17 nos 168–9.

44 *Els pergamins de l'Arxiu Comtal de Barcelona*, iii, 1386–7 no. 856.

45 *Chronica Adefonsi Imperatoris*, 246–7; *Annali genovesi*, i, 33–5.

46 Caffaro, *De captione Almarie et Tortuose*, 30. On the conquest of Tortosa, see J. Belza, 'La conquista de Tortosa en su aspecto militar', *Revista de Historia Militar*, 5 (1961), 31–50; N. Jaspert, 'Capta est Tortosa, clavis Christianorum: Tortosa and the Second Crusade', in *Second Crusade*, ed. Phillips and Hoch, 90–110.

47 ACA, Butlles pontificies, leg. 1, no. 14; *Colección de documentos inéditos del Archivo de la Corona de Aragón [CDIACA]*, ed. P. de Bofarull y Mascaró et al. (Barcelona, 1847–1910), iv, 314–15 no. 128; *Regesta de letras pontificias en el Archivo de la Corona de Aragón*, ed. F. Miquel Rosell (Madrid, 1948), no. 18. Cf. J. Goñi Gaztambide, *Historia de la bula de la cruzada en España* (Vitoria, 1958), 86; O'Callaghan, *Reconquest and Crusade*, 46; Jaspert, 'Capta est Tortosa', 94.

was present, both at Tortosa and then for the first part of the campaign of Lleida. But Nicholas was not there as Eugenius's legate but rather because he was abbot of Saint-Ruf and his house had important holdings in Catalonia and the promise of more.⁴⁸

While Ramon Berenguer IV was undertaking the conquest of Lleida, he came to an agreement with García Ramírez of Navarre, on 1 July 1149, which involved them agreeing to share future conquests in the kingdom of Zaragoza and the marriage of Ramon Berenguer to García's daughter, Blanca.⁴⁹ This agreement had the potential to place in jeopardy the count's domination of Aragon which, in the eyes of the nobles, came through his union with Petronila. In all probability, Ramon Berenguer made this agreement to neutralize García Ramírez during the campaign for Lleida and had little intention of carrying it forward. However, news of it reached the pope who, having had so little to say during the major successes of the period, had much to say about an agreement which proved ephemeral, congratulating the count on having made peace with the duke of Pamplona. War, Eugenius commented, acted to the detriment of the churches, the oppression of the poor, and did much other damage besides, whereas peace acted to the honour of God, as well as bringing calmness to the Christian people and confusion to those who hated the Christian name.⁵⁰ Eugenius further encouraged a campaign of Ramon Berenguer IV in June 1152, with the correctly dated *Universis Dei fidelibus*, in which he made a general call in support of the count for the defence of the Christian faith and of all the Holy Church, offering Urban II's remission of sins and placing the wives and children and possessions of the participants under the protection of the Church. Those who completed such a holy journey or died in the attempt were, if they had made a sincere confession, to be absolved of all their sins

48 On 12 December 1149, Eugenius confirmed to Nicholas the grant which the bishop of Barcelona had given to him of the churches of Sant Pere and Santa Maria de Terrassa (U. Vones-Liebenstein, *Saint-Ruf und Spanien: Studien zur Verbreitung und zum Wirken der Regular Kanoniker von Saint-Ruf in Avignon auf der Iberischen Halbinsel* (n. Und 12. Jahrhundert), 2 vols (Paris, 1992–6), ii, 611–12 nos 17–18.) On Nicholas's participation at Tortosa and Lleida, see Jaime Villanueva, *Viage literario a las iglesias de España*, 22 vols (Madrid, 1803–52), v, 263; Kehr, *El papat*, 123. On the Anglo-Norman participation in the capture and settlement, see L. Villegas Aristizábal, 'Anglo-Norman Involvement in the Conquest and Settlement of Tortosa, 1148–1180', *Crusades*, 8 (2009), 63–129; A. Virgili, 'Angli cum multis aliis alienigenis: crusade settlers in Tortosa (second half of the twelfth century)', *Journal of Medieval History*, 35 (2009), 297–312.

49 *Els pergamins de l'Arxiu Comtal de Barcelona*, iii, 1425–7 no. 884.

50 *PU Spanien*, i, 327–8 no. 57. While the papacy did not recognize the rulers of Navarre as kings until 1196, it was the case that in a careless lapse in December 1145 it had referred to the *rex Pampilonensium* in a privilege to Saint-Martin de Sées (JL, 8803; Kehr, 'Papado', 167 n. 192).

and receive eternal reward.⁵¹ This bull, presumably sought by the count himself, was probably to serve for the summer campaign of 1153 to Siurana, the main success of which was the taking of the formidable fortress of Miravet, which Ramon Berenguer captured after great labour in August 1153 and gave to the Templars.⁵²

Of course, Christian successes in the Iberian peninsula would be of no consolation to Eugenius for 'the severe damage to the Christian name which the Church of God has suffered in our time'.⁵³ Eugenius's role in the Christian conquest of Spain was in large measure accidental. Christian knights inspired, no doubt to varying extents, by the pope's call after the fall of Edessa, were to participate in the taking of Lisbon and Tortosa and the capture of these cities by the Christians was to be of lasting importance in the history of Spain. The Genoese, who in some manner seem to have been encouraged by the pope, and who were certainly interested in the spiritual rewards on offer,⁵⁴ participated in the Tortosan campaign and played the major part in the capture of Almería, which, of course, was soon recaptured by the Almohads. It does not appear to be the case (at least not very clearly) that the participants from the Iberian peninsula in the campaigns for Santarem, Lisbon, Almería, Tortosa, and Lleida, were offered any spiritual rewards by the pope or that they had sought them. Eugenius did respond to requests, presumably for spiritual rewards, from Alfonso VII for the campaign of Jaén in 1148, a campaign which bore no fruit. Furthermore, Eugenius offered absolution of all sins to the participants in the campaign which resulted in the significant captures of Siurana and Miravet by Ramon Berenguer IV in 1153.

The Primacy of Toledo

While Eugenius may not generally have concerned himself a great deal with the military conquest of the peninsula, it is the case that he was greatly engaged with the question of the Toledan primacy. Indeed, from the time

51 ACA, Butlles pontificies, leg. 1, no. 14; *CDIACA*, iv, 314–15 no. 128.

52 *Els pergamins de l'Arxiu Comtal de Barcelona*, iv, 1558–60 no. 960.

53 JL 9385; *PL*, clxxx, 1414–15 no. 382, at 1414.

54 On this and the prestige which the campaigns brought to Genoa, demonstrated in the depictions of the conquest of Tortosa in the cathedral of San Lorenzo, see J.B. Williams, 'The Making of a Crusade: the Genoese anti-Muslim attacks in Spain, 1146–1148', *Journal of Medieval History*, 23 (1997), 29–53; M. Pagès Paretas, 'Restes de pintura mural a la catedral de Gènova que representaven la conquesta de Tortosa', *Recerca*, 5 (2001), 227–34.

when Urban II had conceded the ecclesiastical primacy to Toledo in the bull *Cunctis sanctorum* of 15 October 1088, even given the strenuous efforts of Diego Gelmírez of Compostela to mount a challenge to that dignity, it was during the pontificate of Eugenius that the Toledan claim to primacy was significantly called into question.⁵⁵ This challenge did not come from the Archbishop of Compostela, Pedro Elias, who was contented by the pope's early grant that he might have his Cross carried before him throughout his province,⁵⁶ but rather from the archbishops of Braga and Tarragona. This was not surprising since the archbishop of Braga in question, João Peculiar, was very closely linked to Afonso Henriques, while the archbishop of Tarragona, Bernat Tort, worked in harmony with the count of Barcelona. Since the primacy of Toledo symbolized the supremacy of the Castilian king-emperor, it was likely that the archbishops of the kingdom of Portugal and the Crown of Aragon would oppose it. For Eugenius, here as elsewhere in Christendom, the problem was to understand both what the claims of the primate and the challenges to them were and what the primacy meant in practice.⁵⁷

The pope's inclination was to follow the line of his predecessors, although there was significant variation in the formulas which they had adopted.⁵⁸ Lucius II had in 1144 recognized to Archbishop Bernardo of Toledo the primatial dignity 'per universa Hispaniarum regna' and had ordered all the archbishops and bishops throughout Spain to show him obedience and due reverence.⁵⁹ Since João of Braga did not do as required and did not explain why he did not, in a letter dated 9 May 1145, Eugenius advised João that he would be suspended from episcopal office ('ab episcopali officio') if he did not do so.⁶⁰ Eugenius wrote to Alfonso VII at the same time informing him that João was suspended until he fulfilled what he had been ordered to do.⁶¹

55 JL 5366; J. Rivera Recio, *La iglesia de Toledo en el siglo XII (1086–1208)* (Rome, 1966); idem, 'La primacía eclesiástica de Toledo en el siglo XII', *Anthologica Annua*, 10 (1962), 11–88; P. Feige, 'La primacía de Toledo y la libertad de las demás metrópolis de España: el ejemplo de Braga', *La introducción del Cister en España y Portugal* (Burgos, 1991), 61–132; J.M. Soto Rábanos, 'Braga y Toledo en la polémica primacial', *Hispania*, 50 (1990), 5–37; D. Mansilla Reoyo, 'Disputas diocesanas entre Toledo, Braga y Compostela en los siglos XII al XV', *Anthologica Annua*, 3 (1955), 89–143; On Diego Gelmírez, see R. Fletcher, *Saint James's Catapult: the life and times of Diego Gelmírez of Santiago de Compostela* (Oxford, 1984).

56 MDI, 97 no. 80.

57 On the primatial questions across Christendom, see Spornick, *The Life and Reign of Pope Eugene III*, 247–56.

58 Rivera Recio, *La iglesia de Toledo*, 326–30.

59 MDI, 88–90 no. 72.

60 Ibid., 90–1 no. 74.

61 Ibid., 91–2 no. 75.

There is little, however, to suggest that João paid any attention to Eugenius's order of suspension, since he continued to consecrate bishops and even presided over a church council in early 1148, which was attended by a papal legate.⁶² João did not attend the council at Reims in March 1148 and, after hearing Alfonso VII's complaints, the pope assured the king that he had ordered the archbishop of Braga and his suffragans to obey the archbishop of Toledo as primate or face suspension (which suspension João's suffragans would have also faced for their non-attendance at the council).⁶³ On 16 April 1148, Eugenius confirmed the possessions and metropolitan rights of Toledo without mention of the primacy, but a confirmation appears to have been sent separately, along with letters on the same matter, to the archbishops and bishops of Spain.⁶⁴

Later in the year João visited the Curia at Brescia and was absolved from his sentence of suspension after he personally promised the pope and the cardinals that he would recognize the Toledan primacy. Dated 8 September 1148, *Officii nostri* confirmed João in his metropolitan rights in the Galician province and in the possessions of his Church.⁶⁵ But João proved insincere again and, after complaints from Alfonso VII, on 19 December 1149, the pope, clearly annoyed and giving a lecture on the virtue of obedience, informed 'the deaf asp who stoppeth her ears' (as he described João, quoting Ps. 57) that he must show that obedience to the primate before Palm Sunday (9 April) 1150 or he would be suspended from his pontifical office ('ab officio pontificali').⁶⁶ Eugenius likewise wrote to Alfonso to remind him that, just as all Spain knew, he had suspended the archbishop of Braga from his episcopal office during a long period and indicated that the lifting of João's suspension had always been dependent upon his showing obedience to Toledo.⁶⁷

After having for many years repeatedly refused to show obedience to Toledo, in May 1150, less than a month after God had appropriately restored hearing and speech to a deaf mute in the cathedral of Toledo, Archbishop João led an embassy to the royal city. Before a party, which

62 AD Braga, *Liber Fidei*, fols 117v–118r; Feige, 'La primacía de Toledo', 98; Fletcher, *Episcopate*, 138. On the Bragan *Liber Fidei*, see M.J. Branco, 'Constructing Legitimacy and Using Authority: the production of cartularies in Braga during the twelfth century', in *Erinnerung-Niederschrift-Nutzung: das Papsttum und die Schriftlichkeit im mittelalterlichen Westeuropa*, ed. K. Herbers and I. Fleisch (Berlin, 2011), 31–62.

63 MDI, 94–6 no. 78.

64 JL 9242; Rivera Recio, *La Iglesia de Toledo*, 341.

65 *PU Portugal*, 211–13 no. 47.

66 MDI, 96 no. 79.

67 *Ibid.*, 97–8 no. 80.

included Archbishop Raimundo and Prince Ferdinand of Castile, João acknowledged the Toledan primacy, while a truce between Alfonso VII and Afonso Henriques was negotiated.⁶⁸ João's change of heart may have been in the cause of peace, but it is even more likely to have been in the cause of Zamora. According to a decision of Cardinal Deusdedit in 1123, the bishopric of Zamora was to be abolished on the death of its first bishop, Bernardo, after which its territories would revert to the see of Astorga.⁶⁹ By the time Bernardo died in 1149, both Braga (as metropolitan of Astorga) and Toledo (through a bull of Lucius II) had established claims to the see.⁷⁰ But Archbishop Raimundo consecrated a new bishop of Zamora, Esteban, without Deusdedit's original decision ever having been revoked.⁷¹ Eugenius confirmed Esteban in the possessions of his see on 22 January 1151, but in June sent a letter to Raimundo which, while it celebrated the fact that João had recognized the primacy, reprimanded the archbishop for having consecrated Esteban against the tenor of privileges of the Zamoran Church and called him or his envoys to the Curia to explain the matter.⁷² Raimundo died soon after this and João seized his chance to argue the Zamora case before the pope with the new archbishop of Toledo, Juan, whom Eugenius confirmed in his primacy in February 1153.⁷³ In June 1153, Eugenius declared Zamora a suffragan of Braga, after which João returned to his true colours and renounced his obedience to Toledo all over again.⁷⁴

The case of Tarragona was treated differently by the pope, and also attracted far less attention from Alfonso VII of Castile, since it was further away from his main sphere of interest. At the time of Eugenius's pontificate, the prestigious ancient city of Tarragona was still in the process of being resettled and the new metropolitan province of Tarragona was yet to be clearly defined. Moreover, when these provincial boundaries were clearly defined (not by Eugenius but by Anastasius IV), the dioceses of the province would not all be in the same realm, with Pamplona falling in Navarrese territory and Calahorra in Castilian land. Before that, following a very

68 F. Fita, 'Primera legación del Cardenal Jacinto en España: bulas inéditas de Anastasio IV. Nuevas luces sobre el concilio nacional de Valladolid (1155) y otros datos inéditos', *Boletín de la Real Academia de la Historia*, 14 (1889), 530–55, at 544.

69 *PU Portugal*, 181–3 no. 25.

70 AD Braga, *Liber fidei*, fol. 196v; *PU Portugal*, 217 no. 51; Fletcher; *Episcopate*, 196–7.

71 JL 9487; MDI, 104–5 no. 87 (misdated to 1153).

72 *Catálogo de los documentos medievales de la Catedral de Zamora*, ed. J.C. de Lera Maíllo (Zamora, 1999), 17 no. 45; MDI, 104–5 no. 87 (misdated to 1153); *PU Portugal*, 217–18 nos 51–2.

73 MDI, 101–3 no. 84.

74 *PU Portugal*, 215–18 nos 50–1.

protracted dispute between the dioceses of Pamplona and Huesca, both Lucius II and Eugenius, in 1145, had left the dispute to the judgment of Raimundo of Toledo as the 'Hispaniarum primas'.⁷⁵ But when Eugenius conceded to Bernat Tort his metropolitan powers and his pallium on 27 May 1146, allowing Bernat to ordain suffragan bishops and celebrate councils, his authority was only restricted by the authority of the Apostolic See, without mention of the Toledan primate or a separate letter reminding Bernat of the obedience owed to the primate.⁷⁶ This was probably not a deliberate move on Eugenius's part but it did in essence allow Bernat Tort, who was an 'outsider', though probably not from the abbey of Saint-Ruf, to plead ignorance on the primacy issue, as he built up his Church.⁷⁷

Ignorance indeed was what Bernat Tort was to plead at the Council of Reims in 1148. When Raimundo of Toledo complained to the pope that Bernat had not shown obedience as his predecessors had done, Bernat replied that he was new in the job and would have to look into the matter of whether his predecessors had indeed shown this obedience. Eugenius gave him licence to do this, saying that if Bernat recognized that his Church was accustomed to obey Toledo, then he should obey it.⁷⁸ The rather clumsy wording of Eugenius's inconsistent instructions meant that more than two years later and following many complaints from Archbishop Raimundo, Bernat had unsurprisingly failed to recognize that he owed obedience, even though it would not have caused him too much difficulty to ask around. Eugenius certainly took a more moderate line with Bernat Tort than he did with João, which may partly have been a matter of their reputations, but also may well have been because both in terms of secular and ecclesiastical relationships the eastern Iberian peninsula had stronger long-term ties to Rome. Be that as it may, in a letter dated 13 May 1151, Eugenius ordered Bernat to obey the Toledan primate or to come to Rome in order to explain why he would not do so, by the following Easter (30 March 1152).⁷⁹ Bernat did neither, which left the new archbishop Juan of Toledo to complain to the pope.

By this time, however, Bernat Tort had been appointed as legate of the Apostolic See, presumably as part of the campaign which Ramon Berenguer IV was intending to wage and which the pope was supporting. Given that Bernat's refusal to show obedience to Toledo had not resulted in suspension

75 *PU Spanien*, ii, 351–3 no. 50 (Anastasius IV), MDI, 108–10 no. 92.

76 MDI, 92–3 no. 76; *PU Spanien*, i, 322–4 no. 54 (misdated to 1145).

77 Vones-Liebenstein, *Saint-Ruf und Spanien*, i, 318–19.

78 MDI, 100 no. 82.

79 *Ibid.*

from office but rather promotion to a position which in many ways placed him on a par with the primate, it is little wonder that Bernat did not seek to accommodate Juan. Nor was Eugenius any harsher in his tone when he wrote anew to Bernat, on 9 February 1153, than he had been two years previously, again ordering him to recognize the Toledan primate or to have another chance to explain why not by Easter 1153 (19 April).⁸⁰ Four days later, having confirmed Juan in his primacy and having urged all the prelates of Spain to acknowledge this status, Eugenius took a harsher tone the next time that complaints came from Juan that Bernat had failed to respond to messengers sent to him from Toledo.⁸¹ Thus in a letter of 29 June 1153, Eugenius instructed Bernat that if he did not obey Toledo or explain why he did not obey Toledo by the first Sunday of Lent 1154, he would be deprived of the use of his pallium.⁸² This was a harsher measure from the pope, potentially depriving Bernat of his metropolitan functions, but it remained a lesser punishment than that with which João of Braga had been threatened. On the same day, Eugenius wrote to Juan of Toledo to tell him of his treatment of both Bernat and João, declaring that he intended to guard and serve the Church of Toledo, as much as reason and honesty allowed (*in quantum ratio et honestas permittit*).⁸³ The pope's final word on the matter expressed a lack of conviction quite in advance of anything which he had suggested until that moment and left the general impression that the papacy was ultimately less than fully enthusiastic concerning primatial rights other than its own.

Roda vs Huesca

Aside from the question of the primacy, the Spanish matter which most consumed Eugenius's time was the dispute between the sees of Huesca and Roda-Barbastro. The matter, which at its heart had the problem of the post-conquest re-establishment of diocesan boundaries in areas which had for many centuries been in the hands of the Muslims, was one of long-standing and extraordinary complexity. But in essence the dioceses of Huesca (which had its centre at Jaca until Huesca's capture in 1096) and Roda-Barbastro (which after the capture of Barbastro in 1100 was deemed by some to be the episcopal see of Lleida in exile) disputed the possession of various churches,

80 Ibid., 101 no. 83.

81 Ibid., 102–4 nos 84–6.

82 Ibid., 105–6 no. 88.

83 Ibid., 106 no. 89.

including Barbastro itself, and the churches of Bielsa, Gistaín, and Alquézar. The Church of Huesca based its claims mainly on a decision made by King Ramiro I of Aragon in 1063, and on papal privileges from Gregory VII and Urban II, whereas Roda–Barbastro mainly used another privilege of Urban II, which had twice been confirmed by Paschal II.⁸⁴ Amidst conflicting claims based on overlapping privileges, the dispute was made even more bitter by pride and the lucrative nature of the territories involved and more lasting because the disputes of corporations can endure in a way that the contests of individuals cannot. The bishops of Huesca, often backed by the use of force, for a long time held the prize of Barbastro in defiance of papal instructions to hand it over to Roda–Barbastro. But in 1139, Innocent II had confirmed to Huesca all the contested possessions.⁸⁵

In 1144–5, the bishops of Huesca and Roda and their parties had come to Rome to argue the case anew.⁸⁶ Bishop Guillem of Roda was pressing for the restitution of the church of Barbastro and his continued possession of Bielsa, Gistaín, and Alquézar according to the *ius proprietatis*, while Huesca argued for the four churches on the basis of the repeated orders in its favour from Innocent II.⁸⁷ When the case came before the newly elected Eugenius he delegated it to six of the cardinals, who, after carefully examining the decree of Urban II in favour of Roda, found it to be a forgery and reported this to the pope. Eugenius called the contesting parties to the cathedral church of San Giovenale, which he consecrated at that time.⁸⁸

Eugenius pronounced his sentence, insisting on the good faith of the cardinals and the careful work they had done. The decree of Urban II which Roda had produced, the pope declared, had been found manifestly false by the cardinals and, when it had been shown to various prelates, they had adjudged it a forgery ‘non minus in sigillo quam in litteris’. The bishop of Roda and his clergy, because they had knowingly and often come to the Apostolic See with a document which they knew to be a forgery, were

84 *PU Spanien*, i, 297–8 no. 31; ii, 285–7 no. 14; Arxiu de la Catedral de Lleida, *Llivre vert*, fol. 2r–2v; Villanueva, *Viage literario*, xv, 284–90; MDI, 66 no. 46. There is an abundant literature upon this dispute, but see especially, E. Gros Bíttria, *Los límites diocesanos en el Aragón oriental* (Zaragoza, 1980); A. Durán Gudiol, ‘La Santa Sede y los obispados de Huesca y Roda en la primera mitad del siglo XII’, *Anthologica Annua*, 13 (1965), 35–134; A. Ubieto Arteta, ‘Disputas entre los obispos de Huesca y Lérida en el siglo XII’, *Estudios de Edad Media en la Corona de Aragón*, 2 (1946), 187–240.

85 *Colección diplomática de la catedral de Huesca*, ed. A. Durán Gudiol. 2 vols (Zaragoza, 1965–7) [hereafter CDCH], i, 189 no. 167; *PU Spanien*, ii, 345–8 no. 46.

86 *PU Spanien*, ii, 345.

87 *Ibid.*, ii, 345–6.

88 *Ibid.*, ii, 346.

suspended, and perpetual silence was imposed upon them, which did not stop murmurings as they considered the pope's decision wholly unjust. Attempts by the Rodans to have the judgment overturned only made matters worse for them as their attempts to use a comparison of the documents in the papal register to prove their case backfired and Bishop Guillem was condemned a second time.⁸⁹

Eugenius sent letters, dated 15 March 1145 at Narni, to the disputed churches to inform them that from now on they owed obedience to Huesca.⁹⁰ He also sent a letter to Ramon Berenguer IV to see that justice was served.⁹¹ But by June 1146 justice, as Eugenius saw it, had not been served and therefore the pope wrote anew to Ramon Berenguer, as well as to Archbishop Bernat of Tarragona. Eugenius also wrote a very angry letter to Guillem, disgusted that he had disobeyed the clear mandate of the Apostolic See, and that he continued to hold the churches of Bielsa, Gistaín, and Alquézar. If Guillem did not comply with the pope's order within three months he was to be suspended from episcopal office.⁹² To Eugenius's immense frustration, Guillem had not returned Bielsa or Gistaín by 30 April 1148, though the conquest of Lleida a few months later meant that the bishop's interests were changed dramatically as the episcopal see was transferred from Roda to the newly captured city.⁹³

Huesca would receive no less than six papal confirmations of this decision before the see of Lleida appealed to Celestine III in 1193.⁹⁴ The aged pope, who had been a newly minted cardinal back at Narni in 1145, and as a papal legate in Spain was aware of all the arguments of the case, doubted the validity of the decision which Eugenius had made in the first few months of his pontificate, when, Celestine argued, he could not have been fully instructed in the case.⁹⁵ Of course, as we know, Eugenius had not taken charge of the case when it came to him, but delegated it to the cardinals, and the decision which he made was a collaborative one, as was his custom. He had actually defended the cardinals' handling of the case against criticism

89 Ibid., ii, 346–8.

90 CDCH, i, 189 no. 166; *PU Spanien*, ii, 348–9 no. 47.

91 CDCH, i, 189 no. 167; *PU Spanien*, ii, 349–50 no. 48.

92 CDCH, i, 196–8 nos 173–5; *PU Spanien*, ii, 357–60 nos 54–6.

93 CDCH, i, 205 no. 182; *PU Spanien*, ii, 363 no. 60.

94 CDCH, i, 239–41 no. 230; 253–4 no. 246; 343–5 no. 346; *PU Spanien*, ii, 431 no. 105; 493 no. 149; 515 no. 169; 517 no. 171; Ramón de Huesca, *Teatro histórico de las iglesias del reyno de Aragón*, 9 vols (Pamplona, 1770–1807), vi, 449.

95 *PU Spanien*, i, 541 no. 240; ACL, *Llibre vert*, f. 6v–7r; Ubieto, 'Disputas', 227 no. 2.

of it.⁹⁶ Celestine's own investigations of the registers convinced him that the privilege of Urban II upon which Roda had depended, was in fact not a forgery.⁹⁷ This was also to be the opinion of Innocent III, who settled the case with the remarkable *Ne lites amicabili* of 27 May 1203, a highly complex compromise which left both parties sufficiently satisfied.⁹⁸ It is quite possible that neither Eugenius III nor Celestine III was mistaken in the matter. In 1145, the cardinals and the pope examined the privileges which the Rodans brought with them to Narni. In all probability, clerics of the see of Roda–Barbastro had at some point 'improved' an actual privilege of Urban II, perhaps to strengthen their claim to Lleida when it was captured. It seems fairly clear that they did not bring the original bull with the original seal. The cardinals and the pope, who were hardly careless in the matter, correctly judged Roda's privilege to be a forgery and some copies hastily made by Roda from the papal register only confirmed this. Working from Urban's register, in Rome, Celestine III and Innocent III adjudged that Urban II had indeed sent the privilege in favour of Roda–Barbastro.⁹⁹

The Increase of Care and Protection

As well as the judgment of increasingly complex disputes between dioceses, the papacy found itself called upon to strengthen episcopal sees which found themselves in financial or moral difficulties. At the Council of Reims in 1148, Bishop Navarro of Coria appealed to the pope for help since his see, which had been re-established after the town's recapture in 1142, was so gravely lacking in resources that he found it impossible to exercise his office.¹⁰⁰ Eugenius in turn appealed to Alfonso VII to help Navarro by providing him with what he needed.¹⁰¹ The pope appears to have been sufficiently impressed by the bishop to appoint him in 1150 as judge delegate in an ongoing dispute between the bishop of Burgos and various monasteries, but Navarro also must have impressed Alfonso, as he was transferred to

96 *PUSpanien*, ii, 347 no. 46: 'Fratres autem nostri non fraude, ut quidam malevoli putant, set pie caritatis studio ueritatis radicem querentes hinc inde perquisita monimenta equanimiter sunt perscrutati.'

97 *Ibid.*, i, 551–4 no. 246; Ubieto, 'Disputas', 551–4 no. 4.

98 *Die Register Innocenz' III.*, ed. O. Hageneder *et al.*, 11 vols to date (1964–2015), vi, 104–16 no. 75; MDI, 292–300 no. 271; CDCH, ii, 603 no. 364; ACL, *Llibre vert*, fol. 9r–12v.

99 Horn, *Studien*, 173–4; Durán Gudíol, 'La Santa Sede', 107.

100 JL 9255; MDI, 95 no. 78; Fletcher, *Episcopate*, 31.

101 JL 9255; MDI, 95 no. 78.

Salamanca in 1151, after which Coria had no bishop at all for the remainder of Eugenius's pontificate.¹⁰²

The long-established diocese of Urgell in the Pyrenees was in no less difficulty because of perpetual quarrels between the bishops with secular lords, the canons, and other dioceses. Bishop Bernat Sanç of Urgell's appointment in 1141 had seen Count Ermengol VI of Urgell excommunicated after he had imprisoned both the bishop and his electors.¹⁰³ A decade on Archbishop Bernat of Tarragona, the archdeacon of Urgell, Pere Guillem, and one of the local clergy, were complaining to Eugenius that Bernat Sanç was guilty of the crime of simony. Eugenius declared that given the gravity of the crime he had to refer the matter to the papal legate Abbot Guillaume of Embrun and that Bernat Sanç should answer before him.¹⁰⁴ This the bishop of Urgell did and Guillaume settled the matter. Bernat Sanç subsequently went to the Apostolic See and humbled himself before the pope, who restored him to his office, with the bishop having promised the reverence and obedience due to the archbishop. Yet since from what Bernat Sanç had told the pope it appeared that the archbishop in the meantime had conducted a campaign against the bishop and undermined him at various points, Eugenius indicated to Archbishop Bernat that now the bishop was reconciled he hoped to have heard the last of the matter and that, if what he had been told was the case, he did not want the archbishop to repeat such actions.¹⁰⁵

Archbishop Bernat was also necessarily at the centre of events when Bishop Bernardo of Zaragoza resigned his see in 1152. Bernardo's reign had certainly been a turbulent one and in 1146 Eugenius had already had to appoint six cardinals to settle disputes between the bishop and the secular canons after Bernardo had decided to institute regular canons in the see. The cardinals had insisted that the existing secular canons should not be deprived of the offices and benefices which they held.¹⁰⁶ In May 1147, Eugenius took the Church of Zaragoza under papal protection but troubles had not ended and Bernardo, in 1151–2, left a report indicating his immense frustration that in an enduring dispute between his see and Pamplona,

102 *Documentación de la catedral de Burgos (804–1183)*, ed. J.M. Garrido Garrido (Burgos, 1983), 228 no. 135; Fletcher, *Episcopate*, 31–3, 41.

103 *PU Spanien*, i, 319 no. 51; J. Villanueva, *Viage literario*, xi, 201–2 no. 11; C. Baraut, 'Episcopologi de l'església d'Urgell', *Urgellia*, 14 (1998–2001), 48–9.

104 *PU Spanien*, i, 330–1 no. 59; C. Baraut, 'Els Documents dels anys 1151–1190 de l'arxiu capitular de La Seu d'Urgell', *Urgellia*, 10 (1990–1), 23 no. 1509.

105 *PU Spanien*, i, 332–5 nos 61–2.

106 *Ibid.*, ii, 354–5 no. 52.

which he considered had taken churches of his diocese, he had not, in spite of his constant efforts at the Curia and at home, been able to obtain justice, not least because of the extraordinary procrastinations of Archbishop Bernat who was supposed to hear the case.¹⁰⁷ Ultimately Bishop Bernardo, amidst a sea of troubles, feeling that he was part of the diocese's problems and not the solution, dramatically resigned before the canons, taking off the symbols of his office in their presence.¹⁰⁸ The bishop, of course, could not canonically resign his see without the approval of the pope and Archbishop Bernat and other bishops of the province wrote to Eugenius to explain the situation. While asserting that the bishop's actions had been uncanonical, Eugenius nevertheless accepted the reasons behind them and therefore absolved Bernardo from his obedience, ordering the canons to proceed to the election of a new bishop and one who should be both religious and learned.¹⁰⁹

The protection of Zaragoza was part of a marked increase in papal protection to episcopal churches and religious houses during Eugenius's pontificate, both in Spain and elsewhere.¹¹⁰ This protection was, of course, sought by bishops and monks themselves in a world which was violent, changing, and where possessions were ever more the subject of dispute. In extending this protection which was that of both St Peter and the pope, Eugenius undoubtedly strengthened the authority of the Apostolic See, although he did not do so when monasteries simply sought to make themselves obedient to Rome as a means of freeing themselves from existing obedience, a practice against which Bernard of Clairvaux had spoken out vociferously.¹¹¹ The monks of Ripoll, for instance, found this out to their cost as the pope protected the rights of Saint Victor in Marseilles.¹¹² Eugenius was also undoubtedly concerned with his responsibility for the care of the religious life and the property of ecclesiastical institutions, in societies where there was ready recourse to violence. Early in Eugenius's pontificate, even the Templars, a special concern of the pope, suffered major damage to their goods and their persons because of violent robbery in the dioceses of Pamplona, Huesca, Zaragoza, and Tarazona, and this was only made

107 Ibid., ii, 361–2 no. 58, 367–9 no. 63.

108 Ibid., ii, 372 no. 66.

109 Ibid.

110 On the marked increase in production of privileges of protection in this period, see S. Hirschmann, *Die päpstliche Kanzlei und ihre Urkundenproduktion (1141–1159)* (Frankfurt, 2001); L. Falkenstein, *La papauté et les abbayes françaises aux XIe et XIIe siècles: exemption et protection apostolique* (Paris, 1997).

111 Bernard, 'De consideratione', 445–6 (iii.4); *PL*, clxxxii, 769.

112 *PUspanien*, i, 325–7 no. 55.

worse by the failure of officials of the churches in question to bring the perpetrators of the crimes to justice, who thus felt they could attack the Templars' lands with impunity. Given that the Templars were constituted for the defence of the Eastern Church, which was always of far more importance to Eugenius than Spain, the pope instructed the bishops of the sees in question to bring the guilty parties to justice.¹¹³ Finally it should also be said that the pope was undoubtedly keen to see an increasing amount of census money paid, as was indicated both in his renewal of the privilege of protection to the monastery of Sahagún (7 April 1148), and in his letter (25 July 1150) specifically to the bishops of Huesca and Palencia, and more generally to those, clerical and lay, owing an annual census payment to St Peter in the province of Tarragona and elsewhere, that this had to be paid to the bishop of Pamplona or his agents, who were in charge of the collection.¹¹⁴

From the viewpoint of the general history of the Iberian peninsula, the main event of Eugenius's pontificate is his calling of the Second Crusade and the subsequent permanent capture of Lisbon, Tortosa, and Lleida, the first two being brought about thanks to support from crusaders and the Genoese, even though the pope, on the basis of the available evidence, showed only minor interest in the conflict in the peninsula until the principal episode was over. But in terms of the papal relationship with Spain, the pontificate also saw significant developments in the matters to which the pope and his cardinals gave the most attention, that is, justice and protection. That justice, of course, was flawed and there were limits to the value of protection, but Eugenius's pontificate certainly saw the extension of papal authority in these key areas.

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¹¹³ Ibid., ii, 360–1 no. 57.

¹¹⁴ *Documentos pontificios referentes a la Diócesis de León (siglos XI–XIII)*, ed. S. Domínguez Sánchez (Universidad de León, 2003), 80–1 no. 20; *PU Portugal*, 214–15 no. 49.

9. Eugenius III and the Roman Commune

John Doran †

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Abstract

Eugenius III began his pontificate facing a newly formed Roman commune in open rebellion, determined to wring political concessions from the papacy. He reached agreement with the commune on at least two occasions but found it impossible to find a lasting compromise. This chapter investigates to what extent Eugenius's troubles were a legacy of the Schism of 1130 and assesses his success in marginalizing the commune during the politically charged negotiations for the abortive imperial coronation of Conrad III, only to see it reinvigorated by the preaching of Arnold of Brescia, sent to Rome by Eugenius as a penance. His new palace at St Peter's brought the papacy closer to the *abitato* in the Tiber Bend where the majority of Romans lived.

Keywords: Otto of Freising; Tivoli; Tre Fontane; Giovanni Paparo; *Patricius*; Arnold of Brescia; Wibald of Stavelot and Corvey; Boso

Eugenius III is often presented simply as one in a succession of undistinguished popes between the death of Innocent II (1130–43) and the accession of Adrian IV (1154–9).¹ His election is ascribed to the unwarranted influence on the papal Curia of Bernard of Clairvaux while his long absences from Rome are interpreted as signs of weakness and vacillation in the face of the growing power of a popular commune. Eugenius has been misrepresented and misunderstood precisely because the Roman context of his pontificate has been ignored; historians have too readily accepted a conventional view of Roman politics in the 1140s and have in consequence judged Eugenius

¹ For example, F. Gregorovius, *History of the City of Rome in the Middle Ages*, trans. A. Hamilton, 6 vols (London, 1894–8), 4/ii, 488; P. Partner, *The Lands of St Peter* (London, 1972), 178–81; B. Schimmelpfennig, *The Papacy*, trans. J. Sievert (New York, 1992), 154–5.

unfavourably. Almost twenty years ago, Adriaan Bredero presented a controversial interpretation of Roman affairs, which is mistaken on many key points.²

On the election, for example, Bredero insisted that the electors had chosen Eugenius because they believed that he alone could put an end to the Roman rebellion. He would have been able to do this because his election would have led inevitably to the involvement in Roman affairs, first of St Bernard and then of the emperor-elect Conrad III (1138–52), over whom Bernard exerted great influence, and he would have come to Rome and restored order. On the Roman rebellion, Bredero argued that Giordano Pierleone, the brother of the antipope Anacletus II (1130–8) who had opposed Innocent II for most of his pontificate, led the Senate in its resistance and suggested that the citizens were directed by Arnold of Brescia, who ‘continued to claim power over Rome for himself and his followers even when, towards the end of 1145, the senatorial party concluded an agreement with the recently elected pope, Eugenius III’.³ These errors and misinterpretations were compounded in the sentence which sums up the relevant paragraph: ‘Papal authority was only re-established in Rome in 1146 by Emperor Conrad, who for that purpose came with an army to Rome.’⁴ Not only did Conrad never come to Rome, but in 1146 he was dealing with the rebellion of the dispossessed Duke Welf VI of Bavaria, and at the end of the year he volunteered to join the Second Crusade at his Christmas court at Speyer.⁵ Yet a proper understanding of the political difficulties confronting Eugenius reveals that his electors made an inspired choice. Far from being weak and vacillating, Eugenius showed himself to be a consummate politician whose experience and pragmatism allowed him to deal successfully with two constitutional problems which faced the papacy in the mid-twelfth century: how to accommodate the popular commune and what to do with the City prefecture.

2 A.H. Bredero, *Bernard of Clairvaux: between cult and history*, authorized English translation (Edinburgh, 1996), 145–59; cf. R. Schmitz-Esser, ‘In Urbe, quae caput mundi est: Die Entstehung der römischen Kommune (1143–1155): Über den Einfluss Arnolds von Brescia auf die Politik des römischen Senats’, *Innsbrucker Historische Studien*, 23/24 (2004), 29.

3 Bredero, *Bernard of Clairvaux*, 146–7.

4 Ibid., 147.

5 J.P. Phillips, *The Second Crusade: extending the frontiers of Christendom* (New Haven, CT/London, 2007), 95; see 115–35 for general preparations and 129–30 for the correct observation that Eugenius did not seek the help of Conrad III against the Romans; K. Baaken, ‘Welf VI’, *Lexikon des Mittelalters*, viii, 2146–7.

The circumstances of the communal revolt in Rome remain obscure in the absence of a well-informed local source. Otto of Freising gives a succinct account of the events, but without much detail.⁶ The chronology is complicated but can most easily be supplemented by Rota's convincing interpretation.⁷ When Innocent II attacked Tivoli, a small but strategic city to the east of Rome, for asserting its autonomy and repudiating papal rule, the Roman commune assisted him. Resoundingly defeated in July 1142 by the Tivolese, the Romans swore vengeance and demanded the destruction of the walls of Tivoli.⁸ At some point in 1143, however, the Tivolese submitted to Innocent II who granted them a free commune and the right to appoint rectors in return for their recognition of papal sovereignty. Infuriated by his leniency, the Roman commune briefly rose up against its bishop and papal overlord, stormed the Capitoline, traditional seat of the Prefect and judges and, in a conscious return to Antiquity, reconstituted the order of senators.⁹

Lucius II (March 1144–February 1145) attempted to suppress the reconstituted Senate by force, initially with some success. In October 1144, however, the popular commune revolted for a second time and an even more radical group went on to declare the re-establishment of the Roman empire, the renewal of the 'holy' Senate (*renovatio sacri senatus*), the revival of Rome's government and the inauguration of a new era from which the Senate would henceforth date its documents.¹⁰ The establishment of the commune probably represented an attempt by the leading families of the City and the growing commercial class to enjoy some autonomous functions within the City and its region.¹¹ The radical senators then insisted on the

6 *Duabus civitatibus*, 546–7 (vii.27).

7 A. Rota, 'La costituzione originaria del Comune di Roma: l'epoca del Comune libero (luglio 1143–dicembre 1145)', *Bullettino dell'Istituto storico italiano per il medio evo*, 64 (1953), 19–131, at 43–62.

8 *Duabus civitatibus*, 546; Rota, 'La costituzione originaria del Comune di Roma', 43; P. Fedele, 'L'era del senato', *Archivio della Reale Società romana di storia patria*, 35 (1912), 583–610, at 593–4; F. Bartoloni, 'Per la storia del senato Romano nei secoli XII e XIII', *Bullettino dell'Istituto storico italiano e Archivio Muratoriano*, 60 (1946), 1–108.

9 A. Frugoni, 'Sulla *Renovatio Senatus* del 1143 e l'*Ordo equestris*', *Bullettino dell'Istituto storico italiano per il medio evo*, 62 (1950), 159–74.

10 Fedele, 'L'era del senato', 594–6; *Codice diplomatico del Senato Romano dal MCXLIV al MCCCXLVII*, ed. F. Bartoloni, *Fonti per la storia d'Italia*, 87 (Rome, 1948), 1.13, 25, 27 nos 11, 17, 18; R.L. Benson, 'Political *renovatio*: two models from Roman antiquity', *Renaissance and Renewal in the Twelfth Century*, ed. R.L. Benson, G. Constable, and C. Lanham (Cambridge MA, 1982), 339–86, at 340–51.

11 P. Brezzi, *Roma e l'Impero medioevale (776–1252)*, Istituto di Studi romani, Storia di Roma, 10 (Bologna, 1947), 317–39; Rota, 'La costituzione originaria del Comune di Roma', 41–53;

replacement of the Prefect of the City, who exercised extensive judicial powers,¹² and demanded the pope's recognition of their appointment of an elected 'patrician' or *patricius*, 'un veritable dictateur',¹³ with the right to interfere in papal elections and receive all papal revenues save tithes and the offerings of the faithful.¹⁴

The implementation of such revolutionary changes within the government of Rome required the support of a strong ally and the Staufer kings of Germany displayed little reluctance to provide this. The prerogatives of the patriciate had earlier been disputed during the struggle between the papacy and Henry IV (king 1056–, emperor 1084–1105) and their implications would have been clearly grasped by the participants in the struggle over the Senate.¹⁵ Godfrey of Viterbo reports that Lucius II refused to grant any further concessions to the commune and that, as a result of an attack on the senators by his supporters, he sustained mortal injuries.¹⁶ This attack may well have taken place, but the pope's death (15 February 1145) was probably caused by illness. Nevertheless, Lucius II had recognized a mortal danger to the Church in the establishment of the office of *patricius* and his successor, Eugenius III, insisted on its suppression before he would make peace with the commune.

The election of Eugenius III

The circumstances in which Eugenius III was elected are themselves an indication that the threat posed by the *patricius* was recognized by the cardinal electors. The choice of Bernard of Pisa, abbot of Tre Fontane

M. Thumser, *Rom und der römische Adel in der späten Stauferzeit* (Tübingen, 1995), 7–8; J.-C. Maire Vigueur, 'Il comune romano', in *Roma medievale*, ed. A. Vauchez, Editori Laterza, Storia di Roma dall'antichità a oggi (Rome/Bari, 2001), 117–57, esp. 118–24.

12 L. Halphen, *Études sur l'administration de Rome au Moyen Âge (751–1252)*, Bibliothèque de l'École des hautes études, Sciences historiques et philologiques, 166 (Paris, 1907), repr. (Rome, 1972), 16–27.

13 Halphen, *Études sur l'administration de Rome*, 61.

14 Haphen, *Études sur l'administration de Rome*, 53–72; J. Doran, 'The Legacy of Schism: relations between the papacy and the city of Rome c.1130–c.1210', unpublished PhD thesis, University of London (2008), 105–24.

15 P.E. Schramm, *Kaiser, Rom und Renovatio. I: Studien und Texte zur Geschichte des römischen Erneuerungsgedankens vom Ende des karolingischen Reiches bis zum Investiturstreit*, Studien der Bibliothek Warburg, 17/1 (Leipzig/Berlin, 1929), 59–63, 229–38, 253.

16 Godfrey of Viterbo, *Pantheon*, in *MGH SS*, xx (Hanover, 1872), 107–307, at 261; Brezzi, *Roma e l'Impero medioevale*, 321–2; M. Horn, 'Lucius II', *Lexikon des Mittelalters*, v, 2162.

(SS. Vincenzo e Anastasio) outside the walls of Rome, as pope was made hurriedly in the well-fortified monastery of S. Cesario on the Palatine Hill on the very day that Lucius II died.¹⁷ The haste with which the election took place and the subsequent enthronement on the same day at the Lateran strongly suggest that Bernard was himself present at the election.¹⁸ That the cardinals should look beyond their own college was unusual, but their choice was far from inexplicable. Bernard was a man of great experience. As a Pisan he benefited from the generally good relations between Pisa and the Curia which had developed from the sojourn in Pisa of the exiled Innocent II and which accounted for the three Pisan cardinals among the thirty or so who elected Eugenius.¹⁹ Celestine II (September 1143–March 1144) and Lucius II had been intimately associated with the policies of Innocent II, but it must have been clear to the cardinals that the communal rebellion had escalated and that another pope in the same mould would have little success.

Bernard was not a cardinal, but the presence of the abbot of a Roman monastery at a papal election would not have been unlikely.²⁰ Little evidence survives for elections in the twelfth century and reports can be ambiguous. Cardinals were not yet locked away in conclave and the participation of important Roman clerics may have been welcomed without those clerics being accorded a formal vote.²¹ Indeed, Maleczek has suggested that the first pope to be elected exclusively by the cardinals was Innocent II in 1130; it was the very exclusivity of his election which was unusual and which contributed to his rejection by the Romans.²²

Cardinal Boso reported that Eugenius had decided to forego consecration in St Peter's basilica because the Romans intended 'to repudiate his election with violence unless he confirmed the usurped Senate with his apostolic authority and favoured them'.²³ Otto of Freising asserted that the Romans fortified Saint Peter's basilica, which may have been to prevent the

17 Milani, 'Lucio II', *Enciclopedia dei Papi*, 3 vols (Rome, 2000), ii, 278; Zimmermann, 'Eugenio III', *ibid.*, ii, 280.

18 *Sicardi episcopi Cremonensis Chronica – 1213*, ed. O. Holder-Egger, *MGH SS*, xxxi (Hanover, 1903), 164–5.

19 Horn, *Studien*, 40–2.

20 *Ibid.*, 42–5.

21 For overviews of the electoral procedure in the twelfth century, see: I.S. Robinson, *The Papacy 1073–1198: continuity and innovation* (Cambridge, 1990), 57–90; Paravicini Bagliani, *Il Trono di Pietro*, 13–18; C. Morris, *The Papal Monarchy* (Oxford, 1989), 92, 168, 193, 197, 210–11.

22 W. Maleczek, *Papst und Kardinalskolleg von 1191 bis 1216: die Kardinäle unter Coelestin III. und Innocenz III.* (Vienna, 1984), 218.

23 Boso, *Vita Eugenii*, 386.

consecration of Eugenius before concessions could be wrung from him; but it may equally show that the Romans were preparing to elect an alternative pope,²⁴ for one of the rights implied in the office of *patricius* was the right to intervene in papal elections. It may well be that some of the cardinals were sympathetic to the Romans. After all, the senators wanted their 'usurpation' acknowledged by apostolic authority, and although the meaning of Boso's phrase is unclear, it is likely that he was suggesting a solution to the problem not radically different from that reached less than a year later.²⁵ There must have been cardinals who favoured rapprochement with the Romans and some who remembered the election of Honorius II in December 1124 where a newly elected pope (candidate of the Pierleoni), who had taken the name 'Celestine (II)', was forced to resign in favour of Honorius II, supported by the Frangipani.²⁶

Bernard had been a cleric in Pisa from at least 1115.²⁷ He had served Archbishop Ugo of Pisa in the office of *vicedominus*, at least for the period from 1135 to 1137.²⁸ As *vicedominus* he would have been involved in protecting the patrimony of the Pisan Church and his tenure of the office suggests that he had legal expertise.²⁹ He also would have had extensive experience of dealing with a communal regime, something which his predecessors as pope certainly lacked. Furthermore, Bernard had resigned his offices and sought entry into the new and austere Cistercian order at Clairvaux, perhaps attracted by its charismatic abbot, Bernard of Clairvaux, who attended the papal council in Pisa in 1135.³⁰ These connexions explain why the now Cistercian Bernard of Pisa should have been appointed abbot of the dilapidated Roman abbey of SS. Vincenzo e Anastasio, which Innocent II had entrusted to the Cistercians in 1141, after his return to Rome.³¹ The cardinals may

24 *Duabus civitatibus*, 552–4 (vii.31); the same allegations were made by Innocent II's cardinals in their letters denouncing Anacletus II: *Monumenta Bambergensia*, ed. P. Jaffé, *Bibliotheca rerum Germanicarum*, 6 vols (Berlin, 1864–73), v, 430–1; *PL*, clxxix, 38.

25 *Codice diplomatico del Senato Romano*, 1 no. 1.

26 *Liber pontificalis*, iii, 136–7 and 170–1; Cerrini, *Enciclopedia dei Papi*, ii, 259–60; G. Schwaiger, 'Celestine (II)', *The Papacy: an encyclopedia*, ed. P. Levillain, 3 vols, English translation (New York/London, 2002), i, 275; H.-W. Klewitz, *Reformpapsttum und Kardinalkolleg* (Darmstadt, 1957), 209–55, at 243–7. Honorius then refused to accept the papacy until he was re-elected unanimously by all the cardinals: Robinson, *The Papacy*, 67–9.

27 Horn, *Studien*, 28–40, for Eugenius's background and career before he became pope.

28 Horn, *Studien*, 35; Zimmermann, *Enciclopedia dei Papi*, ii, 279.

29 See A.J. Duggan, "'Justinian's Laws, not the Lord's': Eugenius III and the learned laws', above, Ch. 1.

30 Bredero, *Bernard of Clairvaux*, 146.

31 Horn, *Studien*, 37–40; M. Stroll, *The Jewish Pope: ideology and politics in the papal schism of 1130* (Leiden, 1987), 133–4, suggesting that Bernard was a victim of Innocent II; for SS. Vincenzo e

also have been attracted by the noted austerity of the Cistercians, since it appears that the Curia was vulnerable to allegations of worldliness and corruption.³²

The Roman response

Eugenius left Rome almost immediately after his election and was consecrated at Farfa on the following Sunday (18 February). Otto of Freising ascribed this to the clamouring of the 'whole Roman people' for the new pope to hand over his *regalia* to the City.³³ Such a demand was directly related to the appointment of a *patricius* at the head of the commune in 1144, for one of his prerogatives, cited by the *Annales Romani*, was control of the *regalia*.³⁴

In response to the flight of the pope, the Romans abolished the prefecture and vented their fury on the princes and nobles of the City, subordinating them to the *patricius*, and destroying the towers of some nobles and the houses of the cardinals and clergy.³⁵ Indeed, the Romans also fortified St Peter's basilica and robbed and even killed pilgrims there.³⁶ John of Salisbury reported that the Senate would return the *regalia* only if the pope would 'assume the burdens of the City' and pay the salaries of the senators.³⁷

The abolition of the office of Prefect had an unforeseen result. John of Salisbury described the prefecture as 'that greatest and most ancient of offices ... authorized by the Church to give justice within a radius of a hundred miles, and enjoying executive power',³⁸ but Gerhoch of Reichersberg, drawing on the same source as John, introduced a further element to the office. In his definition, the Prefect was appointed by the Church *and the*

Anastasio, see M. Armellini, *Le Chiese di Roma dal secolo IV al XIX*, nuova edizione con aggiunte inedite dell'autore, appendici critiche e documentarie e numerose illustrazioni a cura di Carlo Cecchelli (Rome, 1942), 1168–70.

32 J. Benzinger, *Invectiva in Romam: Romkritik im Mittelalter vom 9. bis zum 12. Jahrhundert*, Historische Studien, 104 (Lübeck/Hamburg, 1968), 100–5; J.A. Yunck, *The Lineage of Lady Meed: the development of medieval venality satire*, University of Notre Dame Publications in Mediaeval Studies, 17 (Notre Dame IN, 1963), 85–117.

33 *Duabus civitatibus*, 552.

34 *Liber pontificalis*, ii, 332; *Annales Romani a. 1044–1187*, ed. G.H. Pertz, *MGH SS*, v (Hanover, 1844), 469.

35 *Duabus civitatibus*, 552 (vii.31); cf. *JS HistPont*, 59 c.27.

36 Above, at n. 24.

37 *JS HistPont*, 60 c.27.

38 *Ibid.*, 59 c.27.

empire, with authority to judge civil cases from the Church and criminal cases from the empire. This constituted a notable application of the theory of the two swords.³⁹

The role of the Romano-German emperor in Rome had never been satisfactorily defined and a powerful emperor was always likely to attract support from the Prefect of Rome.⁴⁰ Gerhoch was not alone in his idea of the dual authority of the Prefect, which, if it became reality, would represent a danger to the autonomy of the papacy. It was this danger, indeed, that led the popes to accept the Roman commune and its Senate as an authentic Roman element in the government of the City.

For Eugenius, abandoning the City was not without risk, since he left by night with a few cardinals, before being joined by the remainder for the journey to Farfa.⁴¹ Thus, an unconsecrated pope was withdrawing from the City leaving some cardinals temporarily behind, at a moment when the Roman Senate was claiming the right to oversee papal elections. The events of 1159 would show that only one cardinal was needed to foment a damaging schism in the City of Rome. There is, indeed, a telling account in the *Historia pontificalis* of John of Salisbury which suggests that the same thing could have happened after the election of Eugenius III. In recording Eugenius's promotion of cardinals in March 1151, John reported the extraordinary behaviour of the cardinal deacon Giovanni Paparo, who refused promotion to cardinal priest:

Paparo alone, though bound in obedience to accept the decreed promotion, refused to be ordained [as priest]. At this, the lord pope both broke off all communion with him, and ordered him to leave the ranks of the deacons assisting at divine office and lay aside his holy vestments; whereupon he was moved with such anger – for he was a noble – that he

39 Gerhoch of Reichersberg, *De investigatione Antichristi liber I*, ed. E. Sackur, *MGH, Libelli de lite*, 3 vols (Hanover, 1891–97), iii, 304–95, at 344; on the two swords, see J.A. Watt, 'Spiritual and Temporal Powers', in *The Cambridge History of Medieval Political Thought c.350–c.1450*, ed. J.H. Burns, 367–423, esp. 368–82. Cf. Gerhoch of Reichersberg, *Ex Commentario ... in Psalmum LXIV*, ed. E. Sackur, *MGH, Libelli de lite*, iii, 439–92, at 440; Gerhoch produced three versions of this commentary; for this and its significance see J. Fried, *Donation of Constantine and Constitutum Constantini*, Millennium Studies in the Culture and History of the First Millennium C.E., 3 (Berlin/New York, 2007), 14–15 and n. 32.

40 J. Nelson, 'Kingship and Empire', in *The Cambridge History of Medieval Political Thought*, 211–51; I.S. Robinson, 'Church and Papacy', *ibid.*, 252–305; J.P. Canning, 'Introduction: politics, institutions and ideas', *ibid.*, 341–66.

41 Boso, *Vita Eugenii*, 386.

threatened to return to the City and incite the Romans to create another pope who would restore peace.⁴²

This remarkable incident occurred in 1151, but the risk for Eugenius was much the same as it had been at the beginning of his pontificate. The danger that a Roman cardinal might provoke a schism by meddling in the affairs of the City must have been a constant consideration for popes of the twelfth century. It was all the more menacing for Eugenius since he was resident in the City for only fifteen months in a pontificate of eight and a half years (101 months).⁴³

Nevertheless, the election of Eugenius did not prove to be a failed strategy. His absence was intended to remind the Romans of the consequences of having driven the pope away. Thus, to take one example, the pope's consecration in Farfa avoided the normal procession from St Peter's to the Lateran after the consecration of a pope, during which rich gifts were made to the officials of the City and to many of the citizens.⁴⁴ This is made all the more telling when his brief stays in Rome are compared with the large amount of time he spent within thirty miles of the City.⁴⁵ Eugenius also pursued a conscious strategy of strengthening his control over the patrimony of the Roman Church.⁴⁶ Such reassertion of papal ownership and control increased the patronage available to the pope, ensuring that his lordship became more attractive to the nobility of Rome and its district. It was this dual policy that enabled Eugenius to provide the solution to the problem of the Roman commune.

Although he remained absent from the City until December 1145, resident for much of the year in Viterbo,⁴⁷ Rome was not neglected. The *patricius* (Giordano Pierleoni) who had been appointed by the commune, together

42 JS *HistPont*, 71 c.36.

43 P. Classen, 'Zur Geschichte Papst Anastasius' IV', *Quellen und Forschungen aus Italienischen Archiven und Bibliotheken*, 48 (1968), 36–63, at 54; Horn, *Studien*, 183.

44 *Le Liber censuum de l'église romaine*, ed. P. Fabre, L. Duchesne, and G. Mollat, 3 vols (Paris, 1889–1952), i, 311–13, and 299–310 (the instructions for the pope's consecration refer the reader back to the instructions for the Easter Monday procession from St Peter's to the Lateran).

45 P. Toubert, *Les structures du Latium médiéval: le Latium méridional et la Sabine du IXe à la fin du XIIe siècle*, Bibliothèque des Écoles françaises d'Athènes et de Rome, 221 (Rome, 1973), 1052, for the palaces of Lazio forming 'an aureola of estival salubrity'.

46 Toubert, *Les structures du Latium médiéval*, 1129–31.

47 The papal Curia was accustomed to itineration. Although dealing with the following century, see A. Paravicini Bagliani, 'La mobilità della Curia Romana nel secolo XIII', in *Società e istituzioni dell'Italia comunale: l'esempio di Perugia (secoli XII–XIV)*, 2 vols (Perugia, 1988), i, 155–278, and for a brief summary of further ideas see idem, 'La mobilità del corte papale nel Duecento: *cura corporis* e vita di corte', in *Domus et splendida palatia: residenze papali e cardinalizie a Roma fra XII e XV secolo*, ed. A. Monciatti (Pisa, 2004), 29–42; B. Bolton, 'The Caravan Rests': Innocent

with some of his supporters, were excommunicated and Otto of Freising reported that Eugenius induced the Romans to seek peace by attacking them with Tivolese troops.⁴⁸ Boso justified the pope's severity against the Romans, 'who were opposing him in all things, attacking the vassals of the Church both inside and outside Rome, and waging incessant war on the towns and *castra* of Saint Peter',⁴⁹ although he did not give details of the way in which the pope 'added blows to words', recording only that the City returned to its shepherd 'although many were unwilling'.⁵⁰

The agreement of December 1145

Rome was a large and complex city. The actions of the Roman commune are unlikely to have been approved of by all of the citizens and there would always have been a faction which was loyal to the pope. Eugenius was familiar with the government of Pisa by its commune and may have seen advantages in a rapprochement with the Roman Senate. The terms of the peace are extant only in Otto of Freising's chronicle, but a subsequent agreement between Eugenius and the Senate has survived in greater detail and is likely to be very similar to the terms offered by the pope in 1145.⁵¹ What these agreements show is that the pope was prepared to compromise with the commune and that he had much to gain from doing so.

The agreement between the pope and the Romans had the suppression of the patriciate as its fundamental tenet. The prefecture was restored, but in what seems to have been a reduced capacity, at least as far as jurisdiction within the City was concerned.⁵² Although never explicitly stated, the prefecture became something of an anomaly in Rome itself when the pope recognized that the powers usurped by the senators would continue to be exercised by them in his name. This would allow the Romans to be represented within the City by annually elected senators, while removing

III's use of itineration', in *Omnia disce: medieval studies in honour of Leonard Boyle, O.P.*, ed. A.J. Duggan, J. Greatrex, and B. Bolton (Aldershot, 2005), 41–60.

48 *Duabus civitatibus*, 554 (vii.31).

49 Boso, *Vita Eugenii*, 387.

50 Boso, *Vita Eugenii*, 387.

51 *Monumenta Corbeiensia, Bibliotheca rerum Germanicarum*, ed. P. Jaffé, 6 vols (Berlin, 1864–73), i, 480–1 no. 347.

52 The list of acts performed by the Prefects of Rome given by Halphen, *Études sur l'administration de Rome au Moyen Âge*, 153–6, at 153, contains only one item relating to the City after 1139; C. Calisse, 'I prefetti di Vico', *Archivio della Società Romana di Storia Patria*, 10 (1887), 1–136, at 4 n. 7, for a transcription of this act.

from the City the dangerous dual magistracy, with its invitation to imperial interference. The office of Prefect continued to exist, but in the hands of the di Vico family it became increasingly a means of carving out a family patrimony outside Rome, usually in alliance with the emperor.⁵³

It must have been far more attractive to the pope to have the administration of the City of Rome in the hands of a group of annually elected senators than in the hands of one official who might be attracted by allegiance to the empire. Although Gerhoch of Reichersberg and John of Salisbury differed on the crucial point of imperial involvement in the appointment,⁵⁴ the antiquarianism which characterized investigation of the history and prerogatives of the City in the mid-twelfth century led inexorably to a greater emphasis on the role of the emperor in the City of Rome.⁵⁵ Such theoretical justification was of relatively little importance, however, when the links were constantly being reinforced in practice, as the prefects of the later twelfth century showed repeatedly that they were attracted by the Staufer.

The sources for the early practices of the Roman commune show that the Senate was always collegiate and while the number of senators varied it was normally fifty or fifty-six. Whatever the precise number of senators, it is clear that a Senate of multiple members, renewed by annual elections, would have presented the pope with an opportunity of dominating the City through the Senate. The pope was always likely to have a body of support within Rome and that support would be reflected by factions within the Senate. The Roman Curia was the consummate political body of the twelfth century and would easily have learned to exploit its advantage in the City. Hence, even if a majority of senators was opposed to the pope, he would be able to wait for the annual election of new senators in the hope that his support within the Senate would be strengthened.⁵⁶ He agreed to pay the senators and they agreed to swear fealty to him, an act which was rapidly accommodated in the public ceremonial of Rome.⁵⁷ The pope also acknowledged his obligation to 'bear the burdens of the City'. In return, he gained a civic administration which normally remained loyal to his

53 A. Paravicini, *Saggio storico sulla prefettura urbana dal secolo x al xiv* (Rome, 1900), 22–4.

54 Above, at nn. 38 and 39.

55 Benson, 'Political *renovatio*', 351–9; Rota, 'La costituzione originaria del Comune di Roma', 110–29.

56 Bartoloni, 'Per la storia del senato Romano nei secoli XII e XIII', 42; Halphen, *Études sur l'administration de Rome*, 67–71.

57 *Liber censuum*, i, 291, 307; by the 1190s the senators took their place alongside the Prefect in the cycle of ceremonial processions, whereas in Canon Benedict's *ordo* of c.1143 they did not appear: *ibid.*, ii, 146.

successors. Before this system matured, however, a more radical political faction was able to struggle for control of the City into the early 1150s.

Eugenius was certainly in Rome by 21 December 1145.⁵⁸ However, already by 28 January 1146 the dating of his letters reveals him to be in Trastevere.⁵⁹ Otto of Freising claimed that Eugenius had been driven out of the City by the constant clamours of the Romans for the destruction of the walls of Tivoli, reporting that, quoting the book of Job (10:1) he had claimed that his soul was weary of his life.⁶⁰ Otto had been at the papal court during late 1145 and was well informed of the pope's opinions.⁶¹ Given that Eugenius was allied with the Tivolese it would be unlikely that he could allow such an action, but the *Annales Casinenses* linked peace with the Romans with papal permission to destroy the walls of Tivoli (1146),⁶² while the *Annales Ceccanenses* reported that the Romans descended on Tivoli and 'cut off many heads'.⁶³ Whether this was indeed the price of peace with the Romans, or a consequence which Eugenius was powerless to prevent, remains in doubt.

Voluntary exile

The pope had probably left Trastevere soon after 16 March 1146.⁶⁴ The date is not insignificant, for in 1146 Palm Sunday fell on 24 March, and Eugenius would have deliberately left Trastevere as Holy Week approached. Not only did this mean that the Romans were deprived of the presence of the pope for the most solemn week of the ecclesiastical year and for the most important feast; they were also deprived of the traditional procession of Easter Monday, when the pope was accustomed to travel to St Peter's basilica for Mass and then return to the Lateran palace.⁶⁵ The Easter Monday procession was the most lavish public procession of the year, when the pope traversed the City and many citizens were paid for decorating the streets in his honour. The senators were also paid during this procession. Thus, if the pope was forced to leave the City on account of disagreements with the citizens, the senators themselves would suffer, and so would many other Romans.

⁵⁸ JL 8808.

⁵⁹ JL 8850.

⁶⁰ *Duabus civitatibus*, 558 (vii.34).

⁶¹ *Ibid.*, xxxi.

⁶² *Annales Casinenses a. 1000–1212*, ed. G.H. Pertz, *MGHSS*, xix (Hanover, 1866), 303–20, at 310.

⁶³ *Annales Ceccanenses*, *MGH SS*, xix, 283.

⁶⁴ JL 8894; JL 8895.

⁶⁵ *Liber censuum*, i, 299–310 (Cencius, c.1190); *ibid.*, ii, 154 (Benedict, c.1143).

It was, in fact, extremely rare for a pope to be absent from Rome at Easter or Christmas. Eugenius was present in the City at Christmas only in 1145, 1149, and 1152, and at Easter only in 1150 and 1153. Paschal II (1099–1118) and Innocent II had often been absent from the City during these two feasts, but their pontificates were disrupted by schism or conflict with the empire. The other popes of the first half of the twelfth century were nearly always in Rome for Easter and Christmas. Eugenius III was sending a very clear message of displeasure to the Roman commune by absenting himself from the City as Easter 1146 approached. For the second successive year the pope would be absent from the City for the most solemn liturgical rites and the most important processions of the year.⁶⁶

There is little doubt that Eugenius III used his absence from Rome to punish the citizens. Their reliance on the pope as a generator of income has recently been called into question, but judgments based on the loss of income linked to the pilgrim traffic have missed the point.⁶⁷ Pilgrims came to Rome to visit the shrines of the apostles, not to see the pope. The immediate consequence of a pope leaving the City before Easter would be to deprive the Romans of a great public ceremony, and one, moreover, in which they and their representatives were rewarded for their service to the papacy.

Arnold of Brescia

The role of Arnold of Brescia in the Roman revolution has been much debated and remains a contentious topic.⁶⁸ His importance has been overestimated and some historians have given him a prominence which he does not merit.⁶⁹ Arnold was clearly learned and articulate.⁷⁰ He seems to have been a charismatic figure and the attraction of his message for the

66 É. Palazzo, *Liturgie et société au Moyen Âge* (Paris, 2000), 58–71, for the importance of processions for medieval cities; E. Cattaneo, *Città e religione nell'età dei comuni* (Milan, 1979), 27.

67 S. Carocci and M. Vendittelli, 'Società ed economia', in *Roma Medievale*, ed. A. Vauchez, Editori Laterza, Storia di Roma dall'antichità a oggi (Rome/Bari, 2001), 71–116, at 71–86; R. Schmitz-Esser, 'In Urbe, quae caput mundi est', 8.

68 See, for example, *Arnaldo da Brescia e il suo tempo*, ed. M. Pegrari (Brescia, 1991), for a range of articles expressing divergent opinions on Arnold; the classic exposition of Arnold is A. Frugoni, *Arnaldo da Brescia nelle fonti del secolo XII* (Rome, 1954).

69 M. Lambert, *Medieval Heresy: popular movements from the Gregorian Reform to the Reformation*, 2nd edn (Oxford, 1992), 52–3.

70 R. Schmitz-Esser, *Arnold von Brescia im Spiegel von acht Jahrhunderten Rezeption: ein Beispiel für Europas Umgang mit der mittelalterlichen Geschichte vom Humanismus bis heute* (Vienna, 2007), 29–42.

twelfth century, that the clergy should be less worldly, is well understood.⁷¹ However, there is little evidence to cite him, as do Bredero and others, as leader and director of the rebellion and of the popular party.⁷² It is likely that Eugenius III himself sent Arnold to the City as a pilgrim, after he had made his submission to the pope at Viterbo, which Poole convincingly dated to 1146.⁷³

John of Salisbury's description of Arnold and his activities in Rome was probably written after Arnold's execution by the Prefect of Rome, to whom he was consigned by Frederick Barbarossa.⁷⁴ John described him from the outset as a heretic who won adherents by a show of piety and austerity. Together with other commentators, John noted that he won support among the lower classes, adding that his chief supporters were pious women.⁷⁵ Arnold was 'frequently heard on the Capitol', and John characterized Arnold's preaching as hostile to both pope and cardinals because of their greed and violence.⁷⁶ John's assertion that Arnold rejected the pope and cardinals because 'no man could be admitted who wished to impose a yoke of servitude on Rome, the seat of Empire, fountain of liberty and mistress of the world', has been accepted by some historians as proof of Arnold's political influence over the Roman commune, but such sentiments were surely just a *topos*, just as likely to reflect John's own classical learning as the views of Arnold.⁷⁷ He may well have had some influence with the Roman commune, but the documents on which any assessment must rest are not conclusive on the matter; indeed, Arnold's ideas as expressed were

71 B. Bolton, *The Medieval Reformation* (London, 1983), 17–32.

72 Bredero, *Bernard of Clairvaux*, 146–7; Schmitz-Esser, 'In Urbe, quae caput mundi est', 29; L. Gatto, *Storia di Roma nel medioevo* (Rome, 1999), 338–9; P. Brezzi, *Roma e l'Impero medioevale (776–1252)*, Istituto di Studi Romani, Storia di Roma, 10 (Bologna, 1947), 327–9; Frugoni, 'Sulla Renovatio Senatus del 1143 e l'Ordo Equestris', 170–2; Gregorovius, *History of the City of Rome*, 4/ii, 502–6, 546–8.

73 JS *HistPont*, 64 c.1; cf. *Ioannis Saresberiensis Historiae pontificalis quae supersunt*, ed. R.L. Poole (Oxford, 1927), lxiv–lxv.

74 JS *HistPont*, 62–5 c.31; W. Tschacher, 'Die Entstehungszeit der *Historia pontificalis* des Johannes von Salisbury', *Deutsches Archiv für Erforschung des Mittelalters*, 50 (1994), 509–30, at 521.

75 JS *HistPont*, 64 c.31; J. Strothmann, *Kaiser und Senat, der Herrschaftsanspruch der Stadt Rom zur Zeit der Staufer* (Cologne, 1998), 57–65, esp. 59; G. Miccoli, 'La storia religiosa', in *Dalla caduta dell'Impero romano al secolo XVIII*, ed. R. Romano and C. Vivanti, Storia d'Italia, 6 vols (Turin, 1972–6), ii, 431–1079, at 637.

76 JS *HistPont*, 64–5 c.31.

77 *Ibid.*, 65; Benson, 'Political renovatio', 344–5; see Frugoni, 'Sulla Renovatio Senatus del 1143 e l'Ordo Equestris', 172–4, for the similarly beguiling comment by Otto of Freising that Arnold reintroduced the *equites*.

commonplace and would not have required him to introduce them to the City.

Only two letters of Eugenius III survive, in which Arnold is mentioned by name. The first was sent to all the clergy of the City of Rome on 15 July 1148:

The deceitful and envious enemy of the human race has brought it about, through the schismatic Arnold, as if through one of his own members, that certain chaplains are, as much as they can, dividing the unity of the Church, which does not submit to division, following the errors of the said Arnold, and speaking against the due obedience and reverence which they have promised to the cardinals and archpriests. Lest through silence we should appear to give strength to the evil actions of the aforementioned schismatics, we order and instruct you, with this letter, to avoid the aforesaid Arnold in all things as a schismatic. If any cleric, showing contempt for God and Holy Church, should presume to follow him after receiving this, we wish you to know that we shall utterly separate them from both benefice and ecclesiastical office.⁷⁸

This letter has been taken as an indication that the lower clergy of the City supported Arnold and were seduced by his ideas of equality; indeed, it has recently been cited to justify the claim that 'the greater part of the Roman clergy supported the Roman commune and applauded Arnold'.⁷⁹ Di Carpegna Falconieri cites this letter as evidence for a division among the urban clergy, with the *capellani* supporting the commune and its mouthpiece Arnold, while the higher clergy remained loyal to the pope.⁸⁰ Yet there is little evidence for such a supposition.

It is surely significant that Eugenius's letter was addressed to the whole clergy of Rome, rather than to Conrad, cardinal bishop of Sabina, his vicar in the City.⁸¹ Normally, such letters were addressed to him, but Conrad may

78 JL 9281; Mansi, *Sacrorum conciliorum*, xxi, 628; PL, clxxx, 1358 no. 311; Frugoni, *Arnaldo da Brescia nelle fonti del secolo XII*, 97, claims that John of Salisbury wrote this letter, but the evidence cited is unconvincing.

79 K. Schulz, 'Denn die Lieben der Freiheit so sehr': *kommunale Aufstände und Entstehung des europäischen Bürgertums im Hochmittelalter* (Darmstadt, 1992), 150–1; T. di Carpegna Falconieri, *Il clero di Roma nel medioevo: Istituzioni e politica cittadina (secoli VIII–XIII)* (Rome, 2002), 71–3; Gregorovius, *History of the City of Rome*, 4/ii, 506; Brezzi, *Roma e l'Impero medioevale*, 331; Schmitz-Esser, 'In Urbe, quae caput mundi est', 16, sees this merely as evidence that clerics were among Arnold's following.

80 Di Carpegna Falconieri, *Il clero di Roma*, 71–2.

81 Classen, 'Zur Geschichte Papst Anastasius IV', 51–3; di Carpegna Falconieri, *Il clero di Roma*, 108–9.

have joined Eugenius in Brescia and reported the situation in Rome to him.⁸² Di Carpegna Falconieri suggests that the letter was sent to the rectors of the *Romana Fraternitas*, who had competence over clerical disputes in the City.⁸³ The letter does not allow us to make any generalizations about the situation in Rome, however. It shows simply that some of the lower clergy had been tempted to support the errors of Arnold, the use of *capellani* here referring to the rectors of the churches of the City who were under the authority of the archpriests.⁸⁴ Di Carpegna Falconieri indeed points out that it was the Roman clergy who later prevailed upon the senators to abandon Arnold in the face of the interdict imposed on the City by Adrian IV in 1155.⁸⁵

What is surely more significant about this letter is that Eugenius sent it from Brescia, where he was staying on his return from his sojourn in France during 1147 and 1148. He had no doubt been informed of the trouble which Arnold had caused for the bishop of Brescia when, probably as abbot of the Augustinian house of San Pietro in Ripa, he had encouraged a popular revolt.⁸⁶ The letter also reveals the confidence of the pope that his instructions would be obeyed in Rome.

On the other hand, the second letter, sent four years later (20 September 1152), to Abbot Wibald of Stavelot and Corvey (1130–58), the trusted counselor, first of Conrad III and then of his recently elected successor (Frederick I) and a confidant of the pope, shows that the problem posed by Arnold was still a live issue.⁸⁷ Eugenius first commended the case of Adelgott (1151–60), Cistercian bishop of Chur, to Wibald's protection, requesting that he and the bishops attending the court of Frederick (I), king of the Romans should ensure that Adelgott was treated properly. Eugenius then condemned the

82 Classen, 'Zur Geschichte Papst Anastasius' IV', 52.

83 Di Carpegna Falconieri, *Il clero di Roma*, 258; cf. G. Ferri, 'La Romana Fraternitas', *Archivio della Società Romana di Storia Patria*, 26 (1903), 431–66; di Carpegna Falconieri, *Il clero di Roma*, 241–68; Armellini, *Le Chiese di Roma*, 33–51; S. Twyman, 'The *Romana Fraternitas* and Urban Processions at Rome in the Twelfth and Thirteenth Centuries', in *Pope, Church and City: essays in honour of Brenda M. Bolton*, ed. F. Andrews, C. Egger, and C.M. Rousseau (Leiden, 2004), 205–21.

84 Di Carpegna Falconieri, *Il clero di Roma*, 72–3.

85 *Ibid.*, 72.

86 Schmitz-Esser, 'In Urbe, quae caput mundi est', 9; Arnold was condemned at the Second Lateran Council for this, for which see *Decrees of the Ecumenical Councils*, ed. and trans. N. Tanner, 2 vols (London/Washington DC, 1990), i, 202 c.23 and n. 6; Frugoni, *Arnaldo da Brescia nelle fonti del secolo XII*, 21–2.

87 JL 9606; *Monumenta Corbeiensis*, 537–9 no. 403; PL, clxxx, 1545–6 no. 524 (which reads *senatores* for *sectatores*); on Wibald, see M. Thumser, 'Die frühe römische Kommune und die Staufischen Herrscher in der Briefsammlung Wibalds von Stablo', *Deutsches Archiv für Erforschung des Mittelalters*, 57 (2001), 111–47, at 114–15; P. George, 'Wibald von Stablo', *Lexikon des Mittelalters*, ix, 57–8.

recent declaration at the court at Ulm that persons could not be excommunicated for despoiling or burning the goods of a church until they had been condemned in a lay court for the offence, advising the abbot to oppose it and similar attacks on the Church.

He turned next to the activities of the heretic Ar. (Arnold of Brescia). Arnold had orchestrated a conspiracy in Rome in which two thousand people, drawn from a 'rustic mob without the knowledge of the nobles or elders (*absque nobilium et majorum scientia*)', had secretly sworn to elect on the following 1 November one hundred 'perpetual sectaries of evil works' and two consuls, one for the affairs of the City and the other for the area beyond the City walls. The mob planned also to give the title of emperor to one of the consuls 'whom they all hope is destined fatally to rule'. Since this was against the crown of the realm and the honour of Frederick, king of the Romans, Eugenius urged Wibald to inform him of the matter very discreetly, so that, after taking speedy counsel, 'he may make wise provision'. Much has been made of this letter, with some historians maintaining that it gives a genuine insight into the organization of the early Roman commune and others noting the allusion to Antiquity introduced by the pope in his allegations.⁸⁸

However, great caution is required in the interpretation of this letter because it refers to plans which in the event were not to come to fruition, whatever the quality of the information available to the pope beforehand. The model of communal government which was proposed by the conspiracy would surely have more in common with many contemporary Italian cities, not least Pisa, the pope's own City, than with ancient polities.⁸⁹ The purpose of the pope was no doubt to encourage the emperor-elect to continue the *Romzug* which was being planned by Conrad III before his death.⁹⁰ It may also reflect exasperation with the stubborn support given by some of the Romans to Arnold of Brescia, although there is no hint of clerical involvement. The most significant feature of this letter, though, and the

88 Thumser, 'Die frühe römische Kommune', 145–6; Benson, 'Political *renovatio*', 349–50; Schulz, 'Denn die Lieben der Freiheit so sehr', 156; Brezzi, *Roma e l'Impero medioevale*, 338.

89 E. Coleman, 'Cities and Communes', in *Italy in the Central Middle Ages*, ed. D. Abulafia, Short Oxford History of Italy (Oxford, 2004), 27–57, at 35–42 with Pisa at 38; Hyde, *Society and Politics in Medieval Italy*, 50–4; see also the paean of praise to Pisa as it welcomed the exiled Innocent II in *Vita et res gestae S. Bernardi*, PL, clxxxv, 269–70.

90 *Monumenta Corbeiensia*, 477–8 no. 344, 478–9 no. 345, 479–80 no. 346; *MGH Legum Sectio IV, Constitutiones et Acta publica imperatorum et regum*, i, 185 no. 129, 187–8 no. 132, 188 no. 133; Thumser, 'Die frühe römische Kommune', 130–3.

most pertinent evidence it yields, is rather an indication that the pope was in fact becoming adept at dealing with the Roman commune.

The supposed coup was to take place '*in proximis Kalendis Novembris*', that is, 1 November 1152. The end of October and the beginning of November were the weeks in which the Roman commune conducted elections to the Senate.⁹¹ Eugenius was, of course, well aware of this and punned on the word *sectatores* (sectaries), referring to *senatores* (senators). This suggests that Eugenius was well aware that the *sectatores* did not represent the views of the real *senatores*. The crucial element of the description, and the cause of the pope's discomfiture, was the fact that these were to be *perpetuos sectatores* (i.e. permanent senators). Eugenius's letter to Wibald is significant not because it shows the pope steeped in antique lore but because it shows his anxiety that the Roman commune might adopt an executive organ which was less amenable to papal influence than the fifty-six member senatorial college subject to annual election which had emerged in 1144. Eugenius was a political realist, well acquainted with the workings of republican regimes, as he showed in his agreements with the Roman commune.

Benson observed that the plan to appoint two consuls, one of whom was to be called emperor, was a reference to the ancient offices of *praetor urbanus* and *praetor peregrinus*, one of whom had authority within Rome and one beyond the City.⁹² The extension of extra-urban territory was a natural desire of communes and it appears likely that the Roman commune planned to extend its dominion into the surrounding *districtus* or the *contado*, the area of a thirty-mile radius from the City.⁹³ John of Salisbury alluded to the Romans abolishing the prefecture because they themselves wanted dominion beyond the City and Cardinal Boso described the Romans attacking the towns and *castra* of St Peter.⁹⁴

The agreement of 1149

Although the agreement of December 1145 between Eugenius and the Roman commune had established the fundamental principles on which all future

91 Bartoloni, 'Per la storia del senato Romano', 42.

92 Benson, 'Political *renovatio*', 350; on these ancient offices, see 'Praetor', in A. Berger, *Encyclopedic Dictionary of Roman Law*, Transactions of the American Philosophical Society, New Series, 43 part 2 (Philadelphia, 1953), 647.

93 A.I. Pini, *Città, comuni e corporazioni nel medioevo italiano* (Bologna, 1986), 81–95; D. Waley, *The Italian City-Republics*, 3rd edn (London, 1988), 69–76.

94 JS *HistPont*, 59 c.27; Boso, *Vita Eugenii*, 386–7.

agreements between the parties would be based,⁹⁵ more is known about the details of the agreement of 1149, because Wibald of Stavelot kept a record of the stage in the negotiations at which the Romans offered their terms and urged the pope to reply quickly.⁹⁶ Wibald appears to have preserved these notes because he was one of the ambassadors, together with Arnold, archbishop-elect of Cologne and the royal notary Henry, chosen in 1151 to prepare the way for Conrad's journey to Rome for his imperial coronation.⁹⁷ Wibald may have added the terms upon which the pope and the Romans made peace because of his involvement in this mission, which was as much to the Romans as to the pope, although there is no evidence that the envoys reached Rome.⁹⁸ Furthermore, Wibald may have composed the letters which Conrad sent to the Romans and the pope, giving him a further reason to preserve them.⁹⁹ The historian is hampered here as elsewhere in Wibald's collection because Jaffé edited the letters according to his own idea of their chronological progression.¹⁰⁰ Although he listed the correlation between his numbering, the folios of the manuscript and earlier editions, the result is complicated and difficult to follow.¹⁰¹ Although some historians have been led astray by Jaffé's suggested date of 1150–1, there is no reason to doubt that the terms apply to the agreement of 1149.

As set out by Wibald, the terms of the 1149 agreement were as follows:

These things the senators promise to do and to observe, and they wish and desire to swear to them. They will swear fealty to you with a benefit of five hundred pounds, according to which the Romans have always sworn fealty to the popes. They will require four people from each and every neighbourhood to swear to the peace and security of you and your goods, of all churches, and of all those coming to or returning from your court, and of the persons and goods of the bishops and cardinals. They will fully return to you all regalia, with the exception that there are to be no fortifications in Riano or Magliano Romano. They will in good faith

95 *Duabus civitatibus*, 558 (vii.34); Bartoloni, *Codice diplomatico del Senato Romano*, 1 no. 1.

96 *Monumenta Corbeiensia*, 480–1 no. 347; Bartoloni, *Codice diplomatico del Senato Romano*, 9–10 no. 8.

97 Thumser, 'Die frühe römische Kommune', 130.

98 *Ibid.*, 132.

99 *Ibid.*, 132.

100 *Ibid.*, 115; for the correct ordering of the documents see F.-J. Jakobi, *Wibald von Stablo und Corvey (1098–1158): Benediktinischer Abt in der frühen Stauferzeit*, Veröffentlichungen der Historischen Kommission für Westfalen, 10 (Münster in Westfalen, 1979), 314–28.

101 *Monumenta Corbeiensia*, 610–16.

attempt to recover and return all of the money taken from churches and *regalia*, except that spent on the war with Viterbo. The fortifications of S. Gregorio and the Torre Selce they will assign to be held by such men as please you for four years; after which, they will be returned to their lords. If you have returned to Rome, you may direct that they will be held for only half a year. And they ask that you will provide, as father and lord, in so as far as you are able, peace with Viterbo to your honour and that of the City and the Senate, and peace within the City and beyond. Reply at once to tell us which of these things pleases you. ... and among the others Nicholas, Sixtus and Guido will swear, having regained your grace through the prayers of the senators.¹⁰²

Whether Wibald's note reflects the precise nature of the final peace is impossible to tell, but it certainly represents an advanced point in the negotiations. Eugenius was back in residence at the Lateran Palace by 28 November, which suggests that the Senate elected on 1 November drew up the terms of the peace quickly and, furthermore, that the terms on which the pope would return to the City were already well known.¹⁰³ Eugenius probably resorted to some form of military action against the Romans, but there is little evidence of success.¹⁰⁴ Thumser expresses surprise that the letter, which Eugenius sent to Conrad in commiseration at the outcome of the Second Crusade, did not mention 'the explosive political position and the battles in central Italy', but it is by no means certain that there was much to report.¹⁰⁵ Indeed, the pope's greatest weapons were political. A show of strength would certainly have been useful as the Romans prepared to elect their senators.¹⁰⁶ It is likely that the terms preserved by Wibald are those on which Eugenius returned to the City and that they reflect the original agreement between pope and Senate in December 1145.

102 Bartoloni, *Codice diplomatico del Senato Romano*, 10 no. 8; Jaffé, *Monumenta Corbeiensia*, 480–1 no. 347.

103 JL 9359.

104 F. Chalandon, *Histoire de la domination normande en Italie et en Sicile*, 2 vols (Paris, 1907), ii, 119 and n. 9 (note that Chalandon places 'Tivoli' where 'Tusculum' should be); É. Jordan, *L'Allemagne et l'Italie aux XII^e et XIII^e siècles* (Paris, 1939), 38–41 is more balanced; *Annales Casinenses*, MGH SS, xix, 310; JS *HistPont*, 59–60 c.27; *Annales Palidenses auctore Theodoro monacho ab O. c.1182 et 1390*, ed. G.H. Pertz, MGH SS, xvi (Hanover, 1859), 48–98, at 84–5.

105 JL 9344; *Monumenta Corbeiensia*, 304–6 no. 185; *Gesta Frederici*, 272–4 (i.67); Thumser, 'Die frühe römische Kommune', 117.

106 Romoaldi II Salernitani archiepiscopi *Annales*, MGH SS, xix, 425; *Annales Casinenses*, MGH SS, xix, 310, also report an attack on the Romans by Eugenius with the help of Roger of Sicily. See also Chalandon, *Histoire de la domination normande*, ii, 118–19.

The value to the Roman commune of the recognition of its legitimacy should not be overlooked. Communes craved the legitimacy which only a universal ruler could grant.¹⁰⁷ The anti-papal faction which controlled the Senate for much of 1149 had attempted to secure such legitimacy from Conrad III, but had fallen from power before the emperor's reply could be expected, although it is apparent that a reply was never forthcoming.¹⁰⁸ The senators elected in November 1149 agreed to rule the City on behalf of the pope. They became 'his' senators and they were paid from his treasury. Likewise, the 'burdens of the City', which included the payment of salaries to the senators and other functionaries of the commune, were met from the papal treasury, and hence the *regalia* were returned.¹⁰⁹ Eugenius agreed to pay £500 annually to Rome; this was not a 'gift of silver' as Partner maintained, but a fundamental commitment to the proper governing of the City.¹¹⁰

The senators effectively recognized that in Rome, they could not follow the classic pattern of communal development. This was to extend the authority of the commune into the *districtus*, enabling the collection of taxes and provisioning of the City with food and raw materials for its industries. The Romans were forced to acknowledge that their attempts to extend their authority, which are surely reflected in the boast to Conrad that the Roman nobles had been deprived of their goods so that they could do no harm to the empire, had come to nothing. The humiliation of asking the pope to secure peace with Viterbo was an acknowledgement of this failure. The greatest item of expenditure for the early communes was the cost of the military service of knights (*milites*), and especially of compensation for those suffering losses in such service.¹¹¹ The terms of the peace show that Roman churches had been despoiled in the search for war funds. Riano and Magliano Romano are situated on the old route of the Via Flaminia to the north east of Rome, the route into territory dominated by Viterbo. The purpose of forbidding the pope to fortify strategic areas on the route to Viterbo was to prevent him from stopping the Romans making war on

107 P. Jones, *The Italian City-State: from commune to signoria* (Oxford, 1997), 332–40; E. Coleman, 'The Italian Communes: recent work and current trends', *Journal of Medieval History*, 25 (1999), 373–97, at 381.

108 *Monumenta Corbeiensia*, 478–9 no. 345.

109 JS *HistPont*, 59–60 c.27, gives a curial view of the demands of the Roman commune; the 'burdens of the City' were the costs of government, which the pope was required to pay 'if he wanted to take any profit from that government'.

110 Partner, *The Lands of St Peter*, 83–4; Robinson, *The Papacy*, 15.

111 J.-C. Maire Vigueur, *Comuni e Signorie in Umbria, Marche e Lazio* (Turin, 1987), 16–17.

this rival commune. It is not an indication of intent to do so, but a security measure in the event that such a war might take place.

The guarantee of security for the pope, bishops, cardinals and all coming to and leaving the papal Curia was an essential component of any agreement between the pope and the Romans. All communes insisted that their primary duty was the maintenance of peace, so this clause was one on which Curia and Senate could agree.¹¹² Moreover, the extent of papal government of the Church increased dramatically during the twelfth century and the number of visitors to the papal court must have been very large.¹¹³ It was in the interests of the Romans to ensure that the security of such visitors was guaranteed because their provisioning was a major part of the income of many Roman citizens.¹¹⁴ The senators were offering the pope the opportunity, should he return to Rome, to restore to their owners, nobles loyal to the pope, those properties seized by the Romans, which are described in the letters sent by the Senate to Conrad in late 1149.¹¹⁵

Romuald of Salerno reported the Senate and the whole Roman people received the pope with the greatest honour, and this suggests that the majority of Romans appreciated the benefits of the pope's residence in the City.¹¹⁶ Of course, in spite of this evidence, it should not surprise us that so much emphasis has been placed on the anticlericalism of the Roman commune. The work of Gregorovius is beguiling and the senatorial letters preserved by Wibald and Otto of Freising are full of interest because of the ideas they contain. Yet an investigation of the actions of the Senate after 1145 presents quite a different picture from what might be suspected from the letters to Conrad.¹¹⁷

112 G. Fasoli, 'Gouvernants et gouvernés dans les communes italiennes du XI^e au XIII^e siècle', in *Gouvernés et gouvernants*, Recueils de la Société Jean Bodin pour l'histoire comparative des institutions, 25 (Brussels, 1965), 47–86, at 67.

113 See, for example, the list of English visitors to the Curia during the reign of Henry I in M. Brett, *The English Church under Henry I* (Oxford, 1975), 234–46.

114 Carocci and Vendittelli, 'Società ed economia', in *Roma Medievale*, 85.

115 *Monumenta Corbeiensia*, i, 332–4 no. 214, 334–5 no. 215, 335–6 no. 216; Bartoloni, *Codice diplomatico del Senato Romano*, 3–6 no. 5, 6–7 no. 6, 7–8 no. 7. The three letters comprise two from the Senate and one from an unnamed senator, repeatedly protesting their loyalty to King Conrad, whose kingdom and empire they promised to restore to the extent under the emperors Constantine and Justinian, and whom they called on to come to Rome as quickly as possible to deal with the pope, the Frangipani and Pierleoni, the Sicilians, etc. Insofar as they are genuine, they were almost certainly written before the peace of 1149, and represent the fanciful arguments of the Senate displaced in the November elections.

116 *Romualdi II Salernitani archiepiscopi Annales*, MGH SS, xix, 425.

117 Above, n. 115.

The Roman Senate after 1149

Bartoloni attempted to reconstitute the archive of the Roman Senate, which did not survive the Middle Ages.¹¹⁸ However, in the absence of official letters of the Senate he relied upon chroniclers, the letters of Wibald and the archives of Roman churches. Of the six acts from the Senate related to land disputes dealt with by the senators in their capacity as papal administrators, five involved the church of Santa Maria in Via Lata, a rich foundation which housed aristocratic canons who knew how to look after their large property holdings.¹¹⁹ Furthermore, the five acts referred to the same case, with the senators confirming a judgment they gave and confirmed on 23 October 1148 no fewer than three further times (15 July 1150, 1 × 26 August 1151, 27 August 1151).¹²⁰ The senators also assigned land to Oddo Spina on 3 March 1151 in prejudice of the abbey of San Benedetto in Subiaco; this grant is known only because it was subsequently quashed by a judge of the Lateran Palace, Philippus sacellarius, and the land restored to the monks of Subiaco.¹²¹ Therefore, when it comes to investigating what the Roman Senate actually did in the 1140s, then, on the basis of the admittedly flimsy evidence, it could be argued that, far from being a radical revolutionary body, it was rather more intent on protecting the properties of one of the wealthiest clerical corporations in the City.

The senators themselves have left their own estimation of their role in the *arenge* with which they prefaced their letters. Thus, in their confirmation of 1 × 26 August 1151 of the original judgment of 23 October 1148 in the Santa Maria in Via Lata case, they announced themselves and their competence thus:

We senators listed below along with all of our fellow senators, constituted annually on the Capitol for the government of the City by the lord pope

118 F. Bartoloni, 'Preparazione del *Codice diplomatico del Senato Romano nel medio evo* (1144–1347)', *Bullettino dell'Istituto Storico Italiano e Archivio Muratoriano*, 53 (1939), 37–46.

119 Bartoloni, 'Per la storia del senato Romano', 10–12; L. Moscati, *Alle origini del comune romano. Economia, Società, Istituzioni*, Quaderni di Clio 1 (Naples, 1980), 90–2; Di Carpegna Falconieri, *Il clero di Roma*, 72–3 n. 87; I. Baumgärtner, 'S. Maria in Via Lata: l'importanza di un fondo archivistico per la storia della città di Roma (1100–1258)', *Archivio della Società Romana di Storia Patria*, 113 (1990), 115–50, at 120–9; *Ecclesiae S. Mariae in Via Lata Tabularium*, ed. L.M. Hartmann and M. Merore, 3 vols (Vienna, 1895–1913), i, pp. xi–xii.

120 *Ecclesiae S. Mariae in Via Lata Tabularium*, ed. Hartmann and Merore, iii, 21–3 no. CLXXIII; Bartoloni, *Codice Diplomatico del Senato Romano*, 2 no. 3; 11 no. 9; 13–18 no. 12; 18–20 no. 13.

121 *Il Regesto Sublacense del Secolo XI*, ed. L. Allodi and G. Levi, Biblioteca della Reale Società Romana di Storia Patria (Rome, 1885), 215 no. 169; Bartoloni, *Codice diplomatico del Senato Romano*, 11 no. 10.

Eugenius and the whole venerable apostolic Curia and by the revered Roman people, wishing to give to all good people the joys of the most free and delightful peace as much within the City as extending far and wide beyond, wanting completely to dismiss and curtail burdensome malicious quarrels, and evil disputes, but rather everywhere utterly to uproot them through our strength inasmuch as the power of our strength extends; and we will aim to extinguish and to satisfy all burning disputes and controversies, by which persons and goods are especially threatened, as much for clergy as for laity, for the poor as for the rich, and for churches and other pious and venerable places.¹²²

The Roman Senate, from this perspective, does not appear to have been an institution which the pope should have cause to fear. That the description of the Senate holding its authority from the pope and the whole apostolic Curia, and the Roman people, in that order, was written in 1148, in a judgment which was clearly to be read publicly, is an indication that the rhetoric of the letters to Conrad in 1149 should not be taken too seriously. When the Senate is viewed from the perspective of the whole of the twelfth century the letters of 1149 appear to be an aberration, the result of the absence of the pope at a time of acute anxiety induced by the likelihood of war between the emperor and the king of Sicily, and exacerbated by their respective roles in the Second Crusade. The senators were capable of defining their role without specific reference to the pope, but their role as his officials was always implicit and was, in many ways, natural. After all, the Roman commune was slow to develop its own bureaucracy precisely because it relied upon papal judges in the settlement of disputes, with the senators taking on the traditional role of the Prefect of confirming and enforcing the decision.¹²³ The pontifical year of the pope was used in the dating of documents by the chancery of the Senate, but so too was the 'era' of the Senate, a reference to the re-establishment not of 1143 but of 1144, after the *abiuratio* imposed by Lucius II.¹²⁴ After 1145, however, such references were a matter of pride and tradition but not a manifesto of intent.

The Roman Senate, then, was essentially a conservative body, especially as it became established and its traditions developed. This is clear already

122 Bartoloni, *Codice diplomatico del Senato Romano*, 13–18 no. 12, at 14–15.

123 Bartoloni, 'Per la storia del senato Romano', 10–12; Moscati, *Alle origini del comune romano*, 90–2.

124 Bartoloni, 'Per la storia del senato Romano', 25; Rota, 'La costituzione originaria del Comune di Roma', 63–73; Fedele, 'L'era del senato', 608–10.

towards the end of the pontificate of Eugenius III, in the confirmation of 27 August 1151 of the Santa Maria in Via Lata dispute:

We and all of the senators, freely acknowledging that we are assiduous for the honour and increase of the Senate, ought to hold fast forever to the actions and constitutions of the senators, so that good will always proceed to better and no vacillation will result from the changing personnel of the Senate; and since they should strengthen and corroborate with firmness and praiseworthy stability the Senate itself and all the acts which the senators have done or will do, this constitution on the possessions of the church of Santa Maria in Via Lata and their detention, which is ours and the holy Senate's, we have taken care to have written down for future memory and perpetual stability.¹²⁵

This act alone suggests that Boso was wrong in condemning the Romans as lovers of novelty.¹²⁶

A final indication of the essentially good relations between Eugenius III and the Roman commune is provided by the peace treaty negotiated with the Pisans and concluded on 12 March 1150 or 1151. The terms of the treaty have survived only in a generic description, but this itself is of interest:

We fifty-six senators by the grace of God and of the lord Eugenius the Pisan pope, and of the whole venerable and apostolic Curia, and of the magnificent and revered Roman people give and confirm to the people of Pisa perpetual peace, and we waive all customs duties.¹²⁷

The date of 1151 is not secure and the fact that Eugenius was resident in Rome on 12 March 1150 but not on the same date in 1151 suggests that 1150 is the most likely date for this peace, which seems to have secured an income for the Roman Senate from taxes imposed on the importation of grain.¹²⁸ That the pope was identified as a Pisan must be a recognition that he had played a part in the negotiations, although there is no direct evidence.¹²⁹

125 Bartoloni, *Codice Diplomatico del Senato Romano*, 18–20 no. 13; *Ecclesiae S. Mariae in Via Lata Tabularium*, ed. Hartmann and Merore, iii, 27 no. CLXXVIII, and a facsimile of the act, tab. XXXI, at the end of the volume.

126 *Liber pontificalis*, ii, 385.

127 Bartoloni, *Codice diplomatico del Senato Romano*, 11–13 no. 11.

128 Moscati, *Alle origini del comune romano*, 47–8.

129 Horn, *Studien*, 181; Strothmann, *Kaiser und Senat*, 157–60; Carocci and Vendittelli, 'Società ed economia', in *Roma Medievale*, 80–3.

Furthermore, the senators issued the peace from 'the Capitol, in the meeting room of the new palace in the seventh year of the restoration of the Sacred Senate'.¹³⁰ The Roman commune had thus been able to construct a palace for itself on the Capitol. The calling of this palace 'new' in 1150 or 1151 suggests that it had been built after the agreement with Eugenius III in 1149. The Roman commune, governing the City on behalf of the pope, was thus able to express its civic prerogatives on the Capitol, demonstrating that service of the pope was more profitable than opposition.

The building of a new palace, indeed, was also undertaken at Saint Peter's by Eugenius himself.¹³¹ Yet the explanation for the new palace given by Krautheimer demonstrates how tenacious is the hold on Roman historiography of Gregorovius, with his insistence that the Roman commune from the outset intended 'to deprive the pope of the principate':

Popes in times of stress sought safety in the Borgo: they might enclose themselves in Castel Sant'Angelo, as did Gregory VII in 1084, when both the Leonine City and Rome were in enemy hands, or they might move to Saint Peter's, as did Eugenius III and Hadrian IV around the middle of the twelfth century when cut off by the Roman republic from the Lateran, to stay in the old papal quarters as they had been set up in the fifth and ninth centuries.¹³²

The popes were not cut off from the Lateran. The building of a new palace at St Peter's was not a flight from Rome but rather the opposite; the popes were moving into the *abitato* of the medieval City, the area around the bend of the Tiber where most of the Romans lived. It is unthinkable that Eugenius III would have been able to build a palace in the face of the hostility of the Romans. Indeed, he had no need to do so, for his relations with the Romans were normally peaceful. He had come to terms with the Roman republic almost as soon as it had appeared and there is little evidence that it caused him much trouble afterwards.

130 N. Grammacini, 'La prima riedificazione del Campidoglio e la rivoluzione senatoriale del 1144', in *Roma, centro ideale della cultura dell'Antico nei secoli XV e XVI*, ed. S. Danesi Squarzini (Milan, 1989), 33–47, at 34; R. Krautheimer, *Rome, Profile of a City, 312–1308* (Princeton NJ, 1980), 206–7.

131 Boso, *Vita Eugenii*, 387; A.M. Voci, *Nord o Sud? Note per la storia del medioevale palatium apostolicum apud sanctum Petrum e delle sue cappelle* (Vatican City, 1992), 21–44, esp. 21–3; M.T. Gigliozzi, *I Palazzi dei Papi. Architettura e ideologia: il Duecento* (Rome, 2003), 56–7.

132 Krautheimer, *Rome, Profile of a City*, 267–8; cf. Gregorovius, *History of the City of Rome*, 4/ii, 478–9.

Eugenius had been elected in response to a crisis in the internal government of the papal City. His adept management of the nascent commune was to form the basis of all subsequent agreements between this body and the Curia, enabling the papacy to avoid the perils of a reassertion of imperial power over Rome through the Prefect, who was neatly sidestepped in the negotiations of 1149. Although he died in Tivoli, this does not mean that he was estranged from the Romans. On the contrary, there is no reason to doubt Boso's report that the pope's body was brought to Rome and then carried through the middle of the City to St Peter's, 'accompanied by a great crowd of virtually the whole Roman clergy and people, grievously lamenting with universal grief'.¹³³

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¹³³ Boso, *Vita Eugenii*, 387.

10. Eugenius III Reclaims the Patrimony of St Peter

Brenda Bolton

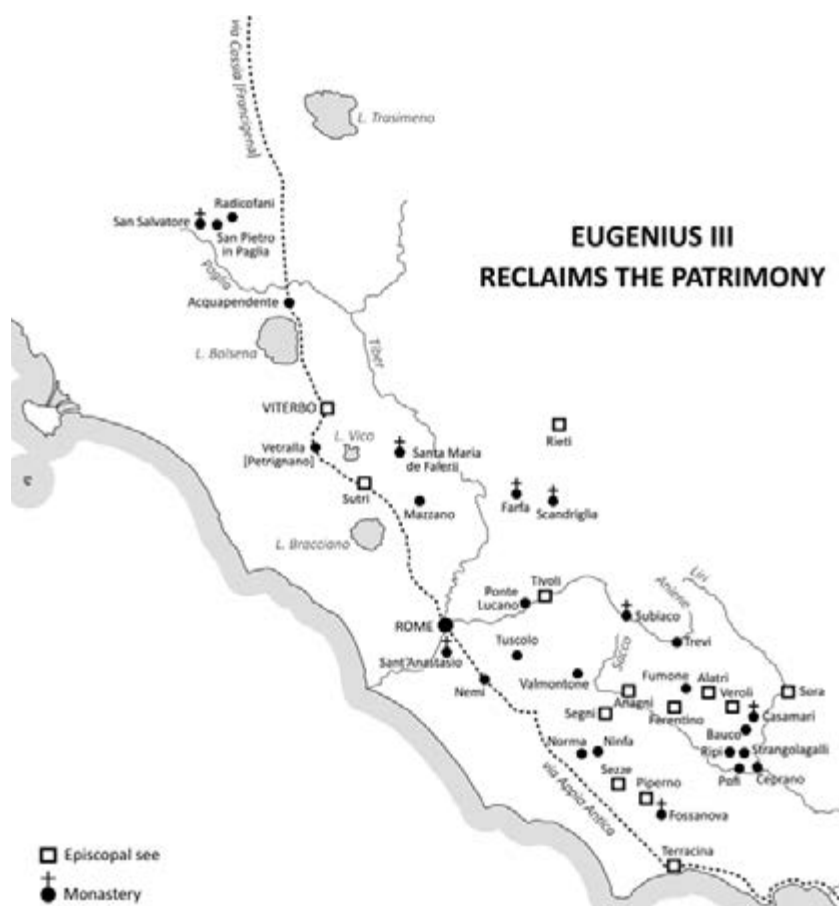
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Abstract

A former *vicedominus* of the church of Pisa, Eugenius III directed his financial acumen to restore lost papal territory in Tuscia Romana, north of Rome, where he acquired several *castra* or fortified villages whose inhabitants were willing to become vassals or tenants of the papacy. In the Ciociaria to the south, papal troops took by force the strategic papal fortresses of Fumone and Terracina. In his quest for *regalia* Eugenius produced a two-volume forerunner of the *Liber censuum* listing rents, obligations, and payments owed to the pope by right and ownership. At Terracina, a contemporary inscription credits him both for ‘reclaiming the Patrimony of St Peter’ and also for his personal honesty in attempting to limit corruption in the judiciary.

Keywords: *vicedominus*; Viterbo; Segni; Ciociaria; Rocca de Traversa; inscription; John of Salisbury; Tre Fontane



Eugenius III's reclamations in the Patrimony of St Peter, with thanks to Dr Matilde Grimaldi

'He created one palace at St Peter's and a second at Segni. He recovered Terracina, Sezze, Norma and the stronghold of Fumone which for a long time past had been alienated from the rule of the blessed Peter'.¹

With this minimalist and somewhat grudging conclusion to his biography, the *Vita Eugenii*, Boso, former chamberlain or *camerarius* of the Roman Church and cardinal deacon of SS. Cosma e Damiano,² stands accused of

1 'Hic fecit unum palatium apud sanctum Petrum, et Signiae alterum. Recuperavit Terracinam, Setium, Normam et arcem Fumonis, que a dominio beati Petri iamdiu alienata fuerant', Boso, *Vita Eugenii*, ii, 386–7, at 387, ll. 22–3.

2 4 January 1157–2 August 1165, Brixius, 58; Zenker, 149–52 n. 121; F. Geisthardt, *Der Kämmerer Boso*, Historische Studien, 293 (Berlin, 1936), 22–54; Z. Zafarana, 'Bosone', in *Dizionario Biografico degli Italiani*, 13 (Rome, 1971), 270–4; I.S. Robinson, *The Papacy 1073–1198: continuity*

seriously underplaying the vigorous recovery and unprecedented territorial expansion of the *Patrimonium beati Petri* which Eugenius III set in motion during his pontificate. Through a combination of methods born of undoubted financial acumen and relevant administrative experience as *vicedominus* to the archbishop of Pisa, together with the skilful use and re-working of institutions already established by his predecessors to recoup these losses, Eugenius was instrumental both in masterminding and in organizing the successful initiative directed towards achieving security and stability in papal lands. The novelty of his scheme, which provided the model for recovery over the next half century, was that he and his successors no longer focused solely on securing isolated strong points and consolidating patrimonial frontiers but instead sought to create a dense checkerboard of fortifications from north to south of the Patrimony. An evaluation of the methods of territorial acquisition used by Eugenius is thus long overdue, especially as Adrian IV (1154–9), his immediate successor, and Cardinal Boso who so ably assisted him, have recently received rather more credit for their respective roles in this recovery than they perhaps merited.³ Indeed, Boso seems likely to have honed his own financial skills under the personal direction of Eugenius. In conformity with the recognition that his distant successor, Innocent III, was only too happy to bestow upon him,⁴ it is now time to set the record straight and establish Eugenius as the rightful restorer of the revenues and patrimonies or *regalia* of St Peter.

In considering this aspect of the historiography of Eugenius's pontificate, two of the three biographies provide no more than the briefest mention of territorial recovery. Helmut Gleber, writing in 1936, concerned himself specifically with the political activities of the pope⁵ but, in contrast, Charles D. Spornick's unpublished doctoral dissertation of 1982 provides a more balanced and detailed assessment of the pontificate, including a short but extremely useful section on the consolidation of the *regalia* or territorial possessions of St Peter.⁶ Most recently, Michael Horn's published thesis offers

and innovation (Cambridge, 1990), 254–7; J. Doran, 'Remembering Pope Gregory VII: Cardinal Boso and Alexander III', in *The Church on its Past*, ed. P.D. Clarke and C. Methuen, Studies in Church History, 49 (Woodbridge, 2013), 87–98, at 87–91.

3 B. Bolton, 'Nova familia beati Petri: Adrian IV and the Patrimony', in *Adrian IV, the English Pope (1154–1159): studies and texts*, ed. B. Bolton and A.J. Duggan (Aldershot, 2003), 157–79, at 162–4.

4 R. L. Poole, *Lectures on the Papal Chancery down to the time of Innocent III* (Cambridge, 1915), 104–5.

5 H. Gleber, *Papst Eugen III. (1145–1153) unter besonderer Berücksichtigung seiner politischen Tätigkeit*, Beiträge zur mittelalterlichen und neueren Geschichte, 6 (Jena, 1936).

6 C.D. Spornick, 'The Life and Reign of Pope Eugene III (1145–1153)', unpublished Ph.D. dissertation, University of Notre Dame (Ann Arbor MI, 1988), 367–80.

a detailed consideration of Eugenius's early career which neatly complements Spornick's study but, in common with Gleber, Horn's concern is to explain political events rather than territorial vindication.⁷ Few historians have discussed the recovery of the *patrimonium beati Petri* by Eugenius, the notable exception being Pierre Toubert, whose magisterial two-volume study of Latium, with its special focus on Tuscia Romana, Campania, Maritima, and the Sabina between c.1050 and c.1150, is the most valuable of the secondary works.⁸ Rather than providing an in-depth chronological study of the territorial achievements of each pontificate during this period, Toubert takes an analytical overview of the development of those structures which were so vital to papal recovery throughout the period.⁹ Peter Partner's work has long been both accessible and informative for the background to the struggle for the Patrimony in the mid-twelfth century,¹⁰ whilst Daniel Waley offers useful insights into the general development of papal institutions, although largely with reference to the later period.¹¹

According to Cardinal Boso, whose *Vita Eugenii* was composed some twenty years after the events that it records,¹² the cardinals were at first 'unexpectedly in agreement'¹³ when, on 15 February 1145, they elected Eugenius at the venerable and well-protected Roman monastery of S. Caesarius on the Palatine.¹⁴ But once the joyful news of his election had gone out to the whole world, they appear to have raised certain doubts as to his suitability, leading Boso to suggest that they were only finally convinced by divine revelation that Eugenius was indeed *papabile*:

On the other hand, when all his brethren considered that he might be inadequate and unsuitable to discharge so sublime an office, the Lord

7 Horn, *Studien*, 28–40.

8 P. Toubert, *Les structures du Latium médiéval: le Latium méridional et la Sabine du IXe siècle à la fin du XIIe siècle*, Bibliothèque des Écoles françaises d'Athènes et de Rome, 221, 2 vols (Rome, 1973), ii, 1038–179.

9 Toubert, *Structures*, ii, 1129.

10 P. Partner, *The Lands of St Peter: the Papal State in the Middle Ages and early Renaissance* (London, 1972), 159–87, at 181–8.

11 D. Waley, *The Papal State in the Thirteenth Century* (London, 1961), 7–12, especially at 11.

12 P. Fabre, 'Les vies des papes dans les manuscrits du Liber censuum', *Mélanges d'archéologie et d'histoire de l'École française de Rome*, 6 (1886), 147–61, at 147–8; idem, *Étude sur le Liber censuum de l'Église romaine*, Bibliothèque des Écoles françaises d'Athènes et de Rome, fasc. 62 (Paris, 1892), 1–223, at 16–21.

13 Boso, *Vita Eugenii*, ii, 386, 'ex insperato concorditer'.

14 G. Ferrari, *Early Roman Monasteries: notes for the history of the monasteries and convents at Rome from the V through the X Century*, Studi di Antichità Cristiana, 23 (Vatican City, 1957), 88–91.

deigned to confer on him so unexpected a favour in knowledge and preaching, in eloquence and liberality, in preserving justice for all and in the refinement of his ways that he outdid the notable acts and fame of many of his predecessors.¹⁵

However, had the cardinals indeed fallen, albeit briefly, into the error of underestimating the ability of their newly elected pope, they were soon to be confounded by the significant experience and skill of the former Bernard of Pisa, not only in matters financial, but also through his vindication of the patrimonial *regalia*, once lost but about to be reclaimed for the Church.

Identified as a cleric in his native city from at least November 1115,¹⁶ and as sub-deacon by 1134,¹⁷ Bernard served Uberto, archbishop of Pisa (1133–1138),¹⁸ as *vicedominus* or permanent deputy until 9 May 1138, their periods of office running concurrently.¹⁹ Seven entries in the *Regestum Pisanum* provide evidence, some of it detailed, of Bernard's responsibilities in disposing of or defending episcopal lands.²⁰ The office of *vicedominus* or *visdomino*, had originated in the late ninth or early tenth centuries as bishops increasingly became involved in matters beyond the limits of their dioceses, sometimes absenting themselves for several months at a

15 'Dubitantibus autem cunctis fratribus suis quod ad regendum tante sublimitatis officium insufficiens esset et minus ydoneus, tandem ei Dominus gratiam repente conferre dignatus est in scientia et sermone, in facundia et liberalitate, in conservanda cunctis iustitia et in omni morum elegantia, quod multorum praedecessorum suorum actus preclaros superaret et famam', Boso, *Vita Eugenii*, ii, 386. Boso used 'quod' followed by the subjunctive as a device by which he, as author of this passage, sought to distance himself from the cardinals' criticism. I am grateful to Professor Geoffrey Greatrex for this suggestion.

16 Horn, *Studien*, 28–40, at 35; H. Zimmermann, 'Eugenio III', *Enciclopedia dei Papi*, 3 vols (Rome, 2000), ii, 279.

17 Horn, *Studien*, 34–6.

18 Uberto, subdeacon, then canon of Pisa cathedral, was consecrated archbishop before 21 February 1133 and last mentioned on 12 June 1137 according to C. Violante, 'Cronotassi dei vescovi e degli arcivescovi di Pisa dalle origini all'inizio del secolo xiii: primo contributo a una nuova "Italia Sacra"', in *Miscellanea Gilles Gérard Meersseman*, ed. G. Gualdo and L. Sbriziola, 2 vols (Padua, 1970), i, 3–56, 39–45, 56.

19 Horn, *Studien*, 300 n. 81 gives Pisa, Archivio Capitolare, no. 443 for this date. 'Hic Eugenius papa fuit vicedominus pisane ecclesie': *Ignoti monachi cisterciensis, S. Mariae de Ferraria Chronica ab anno 781 ad annum 1228*, ed. A. Gaudenzi, Società Napoletana di Storia Patria, ser. prima cronache (Naples, 1888), 1–61, at 28; Spornick, 'Life and Reign of Pope Eugene', 25–30.

20 *Regestum Pisanum (Regesto della Chiesa di Pisa)*, ed. N. Caturegli, *Regesta Chartarum Italiae*, 24 (Rome, 1938), 212 no. 320; 216 no. 324; 217–18 no. 326; 232–3 no. 348; 236–7 no. 355; 239 no. 358; and 239–49 no. 359.

time.²¹ Bernard was thus required to deputize for Uberto on a continuous basis, overseeing the day-to-day administration of a large and complex patrimony whilst defending and recovering episcopal rights. Charged with the management and direct day-to-day control of finances, he was involved in overseeing the temporalities and material resources of the diocese and, as the archbishop's delegate, he was empowered to act on his behalf in his absence.²²

Within his first two years of office, Bernard, styled *vicedominus* of the archbishopric of Pisa and the mother church of Santa Maria,²³ reclaimed and secured the surrender of strategic tracts of land, which thereby expanded the archbishop's reach from the walls of Pisa to the very edge of the diocese.²⁴ The surrender was recorded in a memorandum dated 11 April 1133 which involved two pieces (*petie*) of land at Rosignano, situated astride the Via Aurelia and close by the River Fine at the southernmost limit of Pisan territory.²⁵ In the church of Sant'Ilario, a certain Trovato renounced his lands at Colle near the church of Santa Cristina and at Canneto near the church of Sant'Andrea for the use of the canonical community of Santa Maria de Fine, in the presence of Bernard, prior of the eponymous church. Whilst Trovato pledged 100 silver *solidi* to Bernard *vicedominus* and his successors, Bernard, acting on behalf of Uberto and himself, issued an edict doubling the fine to 200 *solidi*, should Trovato and his brother Cuncio break their pledge by raising objections to the decision.²⁶ The acquisition of important tracts of land by the diocese of Pisa was of particular significance in this case for the opportunity that their possession offered the archbishop to impose tolls and control passage on both the Via Aurelia and the River Fine.

21 M.C. Miller, *The Formation of a Medieval Church: ecclesiastical change in Verona, 950–1150* (Ithaca NY, 1993), 148–9.

22 On *vicedomini* in Tuscany see G.W. Dameron, *Episcopal Power and Florentine Society, 1000–1320* (Cambridge MA, 1991), 28–9; D.J. Osheim, *An Italian Lordship: the bishopric of Lucca in the late Middle Ages* (Berkeley CA, 1977), 31–36, at 33; and on Pisa, Spornick, 'Life and Reign of Pope Eugene', 27. F. Senn, *L'institution des vidames en France* (Paris, 1907) examines the office of *vicedominus* in France but cites no Italian examples.

23 *Regestum Pisanum*, 282–3 no. 420: undated, first half of the twelfth century.

24 Invaluable background both historical and topographical in M.L. Ceccarelli Lemut, 'La sede metropolitana primaziale di Pisa nei rapporti con i pontifici da Onorio II al Innocenzo II', in M.L. Ceccarelli Lemut and S. Sodi, *Nel IX Centenario della metropoli ecclesiastica di Pisa*, Atti del Convegno di studi, Pisa, 7–8 maggio 1992 (Pisa, 1995), 143–70; M.L. Ceccarelli Lemut, 'Terre pubbliche e giurisdizione signorile nel *comitatus* di Pisa (secoli XI–XIII)', in *La signoria rurale nel medioevo italiano*, Atti I del Convegno di studi, 23–25 marzo 1995 (Pisa, 1998), 87–137.

25 'Rosignano', *Dizionario geografico, fisico, storico della Toscana*, ed. E. Repetti, 6 vols (Florence, 1833–46), iv (1841), 823–8. [Henceforth, Repetti].

26 April 1133, *Regestum Pisanum*, 212 no. 320.

The whole transaction was carried out in the presence of several named witnesses, including Benthio, the judge, that anyone who might venture to dispute with or cause problems for the canons of Santa Maria de Fine would incur a similar penalty.

A significant sale of territory was effected on 5 May 1134 at Calcinaia on the River Arno, this time at the eastern edge of Pisan territory²⁷ when the donors, named as Ildebrando, and three brothers, Olivero and his wife Marchesella, Dalimano and his wife Ermellina, and Tignoso – both women consenting to the sale with the permission of their husbands – together (*communiter*) delivered their share of the *castellum* of Pinistello in the Val de Fine to Uberto, archbishop of Pisa.²⁸ This transfer took place with the cognizance of Benthio, *judex*, who, having questioned the women according to the law, ascertained that they had suffered no violence. The donors' share amounted to the entire fourth part of the stronghold, together with its lands, curtilage, and jurisdiction, and with all rights and appurtenances belonging to it. However, they withheld their part of the holding of Vada which they specifically retained under their authority.²⁹ From Bernard, sub-deacon and *vicedominus*, they received a gold ring to the value of 220 *solidi*. They were further bound to pay a double penalty should they default on the agreement.³⁰ The transaction was recorded at the donors' court at Travalda, strategically placed between Pontedera and Ponsacco on the boundary between the dioceses of Pisa and Lucca.³¹ Seven named witnesses and a notary were present,³² together with Benthio, now styled as judge of the 'sacred Lateran palace', indicating that this transfer of land may well have enjoyed not only archiepiscopal but possibly papal approval too.³³ Whilst Bernard's predecessor, *vicedominus* Graziano, likewise bought or otherwise obtained territory, we may suppose that all land transactions which materially strengthened the diocesan boundaries were of significance.

Within the city of Pisa itself Bernard was involved in the resolution of existing conflict and the recovery of diocesan possessions. On 8 July 1134, a public legal transaction took place in the church of San Giorgio between Ildebrando and his nephews, Rainerio and Tegrimo. This was

27 'Calcinaia', Repetti, i (1833), 386–8.

28 'Pinistello', later Pipistrello, a fortified village 3 kms south-east of Rosignano.

29 'Vada', Repetti, v (1843), 616–19.

30 5 May 1134, *Regestum Pisanum*, 216 no. 324.

31 Travalda (Terra Valda or Terra Walda) indicates the Carolingian toponym, Repetti, v (1843), 519.

32 Herithio, Lamberto, Alcherio, Tignosio, Odecto, Francuccio, Vitalio, and Ugo, notary.

33 Innocent II and the Curia were seeking refuge in Pisa by this time.

heard in the presence of Archbishop Uberto by Benthio, *judex* on the one hand and Manfredo, the *causidicus* or advocate for the three men on the other over rights to a piece of land in the place called Prato Uberti for which they agreed to pay a fine of 200 [*solidi*]. Another piece of arable land (*terra campia*) formed an enclave within Ildebrando's land but a certain Detisalvo and his nephews held it from Archbishop Uberto.³⁴ For this, they paid a fine of a further 100 *solidi*, but were made to promise that neither they nor their heirs nor any others would dispute or contest the arbitration on this matter. Representing the archbishop, Bernard was a witness to this transaction and subscribed together with eight named witnesses³⁵ to double the fine should Ildebrando and his nephews be tempted to refuse to pay, in which case an excess of forty pounds in silver was to be added to the payment. From archbishop Uberto these three received a ring to mark the agreement. Once the controversy over the disputed land had been brought to a conclusion before the archbishop by Benthio, judge of the sacred Lateran Palace, Falco, imperial notary, and Manfredo, their advocate, it was accepted that the aforesaid Detisalvo, swearing on the holy Gospels, had held the land from the church of Santa Maria continuously for thirty years. This hard-fought case involved a very large penalty and it was, therefore, of real concern to the cathedral of Pisa that the final outcome should be favourable.

On 6 August 1136, in the chapter of the cathedral, Bernard dealt with a transaction concerning the purchase of rights at the stronghold of Lari.³⁶ A certain Rollando sold and handed over the moiety or half of two holdings (*mansiarum*) in Lari, one in Noci held by Morelli and the other in Gavignano held by the wife of Martinello. These holdings, on the slopes of the *castellum* of Lari, were then under cultivation for vines and other crops, on land held by Ugo, Bonello, and Papa from nearby Cava. In return, Rollando received 80 shillings but should he renege on the sale, he was bound to pay a double penalty and, over and above this, the sum of five pounds in silver.³⁷ The transaction was enacted in the presence of seven witnesses, with Falco, judge and notary of the *sacri palatii* in attendance.³⁸

The *vicedominus*, however, was also involved in another complicated transaction. Within the city of Pisa at sometime between 1133 and 1137, a

34 8 July 1134, *Regestum Pisanum*, 217–18 no. 326.

35 Sigundo, Guido, Marignano, Labarba, Uberto, another Uberto, Rollandino, and a second Ildebrando.

36 6 August 1136, *Regestum Pisanum*, 232–3 no. 348. The fortified village of Lari lies between Ponsacco and Casciana, Repetti, ii (1835), 644–9.

37 6 August 1136, *Regestum Pisanum*, 232–3 no. 348.

38 Rollando, Rainero, Ugonio, Bilindello, Brunicardo, Gualandello, and Burrarre.

certain donor named Rodolfo handed over to Bernard as *vicedominus* of Santa Maria, mother church of the archbishopric of Pisa, various small parcels of land adjoining the public road and the cemeteries of the churches of SS. Pietro and Lucia. Rodolfo and his heirs were immediately reinvested with these lands in perpetuity for an annual rent of twelve pence each year on 15 August, the Feast of the Assumption.³⁹ And similarly, it was agreed that the *vicedominus* and his successor should assist Rodolfo and his heirs to defend and hand over their goods to him. In another donation made on 5 January 1137 in the presence of a number of good men in the cloister of the cathedral church of Pisa (*infra claustra*), a certain Ranucio handed over to the archbishop all the land which Signorello, his father, had given to the archiepiscopal church of Santa Maria, whether acquired through judgment or other alienation.⁴⁰ This land consisted of the now lost *castellum* of Monterege with its surrounding fortifications and precisely defined boundaries. The penalty for reclaiming this land, already adjudged to belong to or otherwise have been acquired by the archbishopric, was set at ten silver pounds and Bernard presented Ranucio with a golden ring on behalf of the archbishop.

Bernard was the prime mover in his last recorded case, heard on 20 January 1137, involving the enforcement of labour services.⁴¹ In this instant, Pagano acknowledged his obligations henceforth to perform those customary services and duties which his kinsmen and associates had performed and continued to perform, but which he, for a brief period of time, had not only neglected but had also ceased to carry out. He further acknowledged *in via publica S. Marie* his obligations to the house of the archbishop (*curia archiepiscopi*). On 30 January, the earlier submission was formally recorded in the canonry of Santa Maria with the same witnesses.⁴²

Three of Bernard of Pisa's claims between April 1133 and January 1137 to recover lands and property belonging to the Pisan Church involved the ritual of the *festuca*,⁴³ the ceremonial transmission from one party to the other of a physical object, in this case a twig or small branch as both sign and symbol (*signum et symbolum traditionis*) of Lombardic custom in the transfer of rights and property.⁴⁴ The ritual handing over of a symbolic rod

39 First half of the twelfth century, *Regestum Pisanum*, 282 no. 420.

40 5 January 1137, *Regestum Pisanum*, 236–7 no. 355.

41 20 January 1137, *Regestum Pisanum*, 239 no. 358.

42 30 January 1137, *Regestum Pisanum*, 239–40 no. 359.

43 *Regestum Pisanum*, 212, no. 320; 217 no. 326; 239–40 nos 358–9.

44 B. Stock, *The Implications of Literacy: written language and models of interpretation in the eleventh and twelfth centuries* (Princeton NJ, 1983), 50–6, at 51. For similar customs in English,

or staff *per fustem, per festucam et andelaginem, or per guasonem*⁴⁵ was observed, at least in part, down to the mid-twelfth century in Tuscany and in other regions where Lombardic customs were still widely diffused. Sometimes the twig or branch might be cast down on the ground, only then to be picked up in a visible demonstration that all claims to the property in question had been relinquished.⁴⁶ Hence, in April 1133, Trovato, holding in one hand a twig or branch (*per fustem*), extended the other in order formally to release those lands in Colle and Canneto, which he had claimed as his own, into the possession of Bernard as *vicedominus* of the cathedral of Pisa for the use of S. Maria in Fine.⁴⁷ The *festuca* ritual required not only that a 'middleman' should be in attendance in order to validate the transaction and provide it with legitimacy against any claims made by a third party, but also that named witnesses should be present.⁴⁸

In those transactions which involved Bernard with the *festuca*,⁴⁹ it was common practice to invoke additional 'formalities' to authenticate a subsequent written document so as to ensure that the details concerning transfers of rights or property could be corroborated later.⁵⁰ These formalities might require scribes to record the precise words and gestures used in the ceremony without which the juridical action would be invalid.⁵¹ In the belief that such exchanges should take place face to face and be written down word for word as they had been delivered orally, the texts themselves thus became fundamental elements for the symbolic validation of the written document.⁵² Trovato's case, however, displays elements of

Salic, and Frankish traditions, see P. Vinogradoff, *Villainage in England: essays in English mediæval history* (Oxford, 1892, repr. Cambridge, 2010), 372–3; *L'Atelier du médiéviste: diplomatique médiévale*, ed. O. Guyotjeannin, J. Pycke, and B.-M. Tock (Turnhout, 1993), 86–9; P. Töbelmann, *Stäbe der Macht. Stabsymbolik in Ritualen des Mittelalters*, Historische Studien, 502 (Husum, 2011), especially 'Die Festuca: Stabsymbole in Rechtsgeschäften', 182–92, 'Stäbe, Halme und Zweige: Investitursymbole in den Sachsenspiegel-Illustrationen (ikonographischer Exkurs)', 194–207 with b/w illustrations at 343–7.

45 Du Cange, *Glossarium Mediae et infimae latinitatis* (Niort, 1883–87), s.v.

46 Stock, *Implications of Literacy*, 51.

47 *Regestum Pisanum*, 212 no. 320. In Trovato's case, Bernard acted as the 'middleman' and the witnesses were Benthio the judge, together with Lanfranco, Gualfredo, Bernardo, Gossres, Lambercione, and several other 'good men'.

48 Vinogradoff, *Villainage in England*, 372.

49 *Regestum Pisanum*, 217–18 no. 326; *ibid.*, 239–40 nos 358–9.

50 *L'Atelier du médiéviste*, 86–9; Töbelmann, *Stäbe der Macht*, 182–92, 194–207, 'Stäbe, Halme und Zweige: Investitursymbole in den Sachsenspiegel-Illustrationen (ikonographischer Exkurs)', and b/w illustrations at 343–7.

51 *L'Atelier du médiéviste*, 86.

52 Stock, *Implications of Literacy*, 50–1.

a second legal contract, the Roman *stipulatio*, which involved the use of binding promissory words (*spondeo, spondo*) to confirm as clearly as possible that a promise had been made to pay a penalty should he fail to honour the concession.⁵³

Bernard of Pisa discharged the duties of his office as *vicedominus* by seeking to build on and refine the territorial 'portfolio' of the diocese which he served through the acquisition of parcels of land and dwellings, either by judicial means or by purchase. In two cases he added tangible benefits to the episcopal patrimony by gaining control of the strongholds or *castella* of Pinistello and Lari, together with as many rights and appurtenances as could be secured in those places. He also pursued claims to territory in Rosignano and Calcinai which, although seemingly small-scale, were essential to gain strategic control of the boundaries between the Pisan and Lucchese dioceses. The compensation threatened to those who illegally held episcopal properties was far from inconsequential and prompt rendering of dues was further encouraged by the threat of excessive financial penalties to those who might later renege on their promises. Sometimes the charters were drawn up in conformity with local Lombardic *festuca* custom to ensure their word-for-word implementation; at others, small gifts such as rings were offered to seal the agreements made. Overall the treasury of the cathedral of Pisa was undoubtedly enriched as a result of the four-year collaboration between the archbishop and his *vicedominus*.

The tenure of office in Pisa of these two coincided almost exactly with the period during which Innocent II and the Curia were seeking refuge in the city. When, in 1135, the pope held a general council of the Church there, the *vicedominus* freely made contact, not only with the *curiales* but also with Peter the Venerable of Cluny, Bernard of Clairvaux and leaders of various monastic reform movements.⁵⁴ After his last recorded appearance in the *Regestum Pisanum* in January 1137/May 1138,⁵⁵ Bernard *vicedominus* departed from Pisa, entering Clairvaux as a novice sometime later. In 1140, at the request of Innocent II and Adenolfo, abbot of Farfa (1125–44), he travelled from Clairvaux to Scandriglia near Rieti with instructions to colonize the

53 'Spondo et obligavit adversus Bernardum vicedominum', April 1133, *Regestum Pisanum*, 212 no. 320; *L'Atelier du médiéviste*, 86.

54 C.J. Hefele and H. Leclercq, *Histoire des conciles*, 8 vols (Paris, 1907–49), iii (Paris, 1912), 706–14; R. Somerville, 'The Council of Pisa, 1135: a re-examination of the evidence for the canons', *Speculum*, 45 (1970), 105–8; Spornick, 'Life and Reign of Pope Eugene', 41–3.

55 30 January 1137, *Regestum Pisanum*, 239–40 no. 359. But see n. 19 above.

monastery of San Salvatore, Farfa's former dependency.⁵⁶ Within a year, however, Innocent had summoned the nascent community of Scandriglia to Rome to restore the abandoned former Cluniac abbey of SS. Vincenzo e Anastasio *ad Aquas Salvias* on the Via Ostiense. And there Bernard of Pisa was elected abbot of Clairvaux's thirty-fourth daughter house, better known as Tre Fontane.⁵⁷ He was henceforth responsible for the financing and building of the new church and for extending the existing monastic buildings. On this swampy and uncultivated wasteland, where the monks were plagued by a calamitous outbreak of malaria, harsh manual labour was necessary for survival, lest economic destitution should become an everyday occurrence.⁵⁸

When, in March 1145, Bernard of Clairvaux first heard the news that his protégé, Abbot Bernard, had been elected as pope, he wrote to the cardinals demanding: 'Did he [Bernard] leave Pisa in order to receive Rome? Did he, who could not endure the responsibility of being *vicedominus* of one church, seek lordship of the whole Church?'⁵⁹ The question was clearly rhetorical and Spornick is surely correct to suggest that, far from wishing to imply any lack of competence in Bernard of Pisa's performance as *vicedominus*, the abbot of Clairvaux was seeking to emphasize the qualities that the new pope would be bringing to his office.⁶⁰ Bernard's administrative experience – at first in Pisa where his primary responsibilities had been to recover and expand the possessions of the diocese, and then at the monasteries of Scandriglia and Sant'Anastasio, requiring both leadership and financial acumen at their inception, when neither was functioning on a financially sound footing – was about to reach its fulfilment in his role as pope.⁶¹

An immediate concern of Eugenius, former *vicedominus* and abbot, was to reconstruct the *Patrimonium beati Petri* as a geographically coherent assemblage of territories over which he could exert sovereignty in much the same way as his distant predecessors, Adrian I (772–95) and Paschal I

56 'Abbas Farfensis conventum fratrum a Claravalle vocaverat, monasterium eis aedificaturus', Geoffrey of Auxerre, *Vita Prima Sancti Bernardi*, 3.7.24, *PL*, clxxxv, 137. Bernard of Pisa expatiates on the dangers of their journey in a letter to Innocent II, Bernard of Pisa, *PL*, clxxxii, 547–8, no. 314; Spornick, 'Life and Reign of Pope Eugene', 46–50.

57 J.E. Barclay-Lloyd, *SS Vincenzo e Anastasio at Tre Fontane near Rome: history and architecture of a medieval Cistercian abbey*, Cistercian Studies Series, 198 (Kalamazoo MI, 2006), 20–2, 183–7.

58 Bernard of Pisa, *PL*, clxxxii, 547–8 no. 314; Spornick, 'Life and Reign of Pope Eugene', 505–7.

59 'Num idcirco Pisam deseruit ut reciperet Romam? Num qui in una ecclesia non sustinuit vicedominatum, dominatum in omni Ecclesia requirebat', Bernard of Clairvaux, *Epistolae* 237, 2:113–14.

60 Spornick, 'Life and Reign of Pope Eugene', 43–52.

61 Barclay-Lloyd, *SS Vincenzo e Anastasio*, 126–7.

(817–24), had sought confirmation of their rights over the ancient duchies of Rome and Spoleto.⁶² The resulting agreements, namely Charlemagne's *Definitio* of 781, which may have included the Sabine and Campanian settlements,⁶³ and the *Ludovicianum* of 817 granted by Louis the Pious (813–40), provided the basis for revived papal claims in the twelfth century.⁶⁴ Radicofani and Acquapendente marked the northernmost limit of suburbicarian, or Roman, Tuscany (Tuscia Romana). The River Liri formed the frontier with the Regno to the south, whilst towards the Apennines in the east the boundaries of the Sabina were more fluid and less well defined.⁶⁵ If Eugenius needed any reminder of what territorial *regalia* had been lost to the Church over time, he had only to glance at the bronze doors, commissioned by Hadrian I (772–95) in Perugia sometime between 792 and 795, which stood at the entrance to the church of S. Maria *in Turri* at the top of the flight of steps leading up to the portico of St Peter's.⁶⁶ Peter Mallius, canon of St Peter's, writing in the mid-twelfth century, attested that the names of the cities which Charlemagne had given to Hadrian were engraved on these doors in silver letters.⁶⁷ Direct appeals to the past such as that by Mallius and ongoing conflicts with the emperors were of extreme importance in clarifying terminology although, whilst the popes spoke of *terra beati Petri*, the emperors preferred to use the vaguer phrase, *regalia et possessiones*. Not until the Treaty of Constance of 1153 did *regalia* appear to have been mentioned in association with the *terra Sancti Petri* and even then this term was never defined by Eugenius in any of his *acta*.⁶⁸

62 Toubert, *Structures*, ii, 938–60.

63 T.F.X. Noble, *The Republic of St Peter: the birth of the Papal State, 680–825* (Philadelphia PA, 1984), 153–83, esp. 164–8 for an excellent discussion of *multis documentis* and a series of complex territorial settlements by the Carolingians.

64 For the text of the *Ludovicianum* see *Capitularia regum Francorum*, MGH *Leges*, ed. A. Boretius, 2 vols, (Hanover 1883), 2/i, 352–5 no. 172; *Le Liber censuum de l'Église Romaine*, ed. P. Fabre and L. Duchesne, 3 vols (Paris, 1889–1910), i, 363–5 no. 87.

65 Toubert, *Structures*, ii, 946–50.

66 *Corpus Basilicarum Christianarum: the early Christian basilicas of Rome (iv–ix cent)*, ed. R. Krautheimer, S. Corbett and A. Frazer, 5 vols (Vatican City, 1977), v, 268–71.

67 *Liber pontificalis*, ii, 416 n. 1, 'videlicet Perusiam, Fesulae, Clusium, Bulsinum, Assisium etc', (Perugia, Fiesole, Chiusi, Bolsena, Assisi etc); Peter Mallius, *Descriptio basilicae Vaticanae aucta atque emendata a Romano presbitero*, in *Codice topografico della città di Roma*, ed. R. Valentini and G. Zucchetti 4 vols (Rome, 1940–53), iii, 375–442, at 433.

68 'Honorem papatus et regalia beati Petri sicut devotus et specialis advocatus sancte Romane ecclesie contra omnes homines pro posse suo conservabit et defendet, qui nunc habet. Que vero nunc non habet, recuperare pro posse iuvabit et recuperata defendet'. 23 March 1153, MGH *Constitutiones*, i, 201–3 nos. 144–5; MGH *Diplomata regum et imperatorum Germaniae*, x: *Die Urkunden der deutschen Könige und Kaiser, Die Urkunden Friedrichs I. 1152–1158*, ed. H. Appelt

The concrete recovery of ecclesiastical possessions was nonetheless an essential objective of the popes from the pontificate of Leo IX (1049–54) to that of Paschal II (1099–1118).⁶⁹ Leo IX began the process of acquiring *castra specialia Sancta Romana Ecclesia* (*SRE*), specially fortified strongholds of the Holy Roman Church, whose inhabitants, in return for being granted privileged status, were bound to undertake certain defensive obligations.⁷⁰ He was notably successful in reducing the power of a number of noble families, such as the Tuscolani, the counts of Galeria and the Crescenzi-Ottaviani, thereby providing his successors with the opportunity to acquire more *castra* to secure and consolidate papal territory.⁷¹ Nicholas II (1058–61) introduced a 'model' contract or charter of *incastellamento* for Roccantica, a deserted village in the Sabina which was then rebuilt and repopulated by settlers who paid an annual graduated tax to St Peter, each according to their means and who, in return for protection, acknowledged their subjection to the papacy in all matters.⁷² Nicholas, however, created a different type of contract for the inhabitants of *castrum Lori*, present-day Montasola also in the Sabina, where a small community had requested to be taken under the special protection of the Roman Church in return for similar payments and its submission to papal officials.⁷³ The contracts for *castra* as sanctioned by the pope in the charters for Roccantica were particularly concentrated along the northern frontier of the Patrimony and were highly successful in the creation of a group of *homines beati Petri*, immediately subject to the Church.⁷⁴

The east and south of the Patrimony, however, still remained exposed and the successors of Leo IX and Nicholas II turned their attention towards those less fortified and hence more vulnerable parts. In 1109 Pascal II,

(Hanover, 1975), 87–9; *Codex diplomaticus Domini Temporalis S. Sedis*, ed. A. Theiner, 2 vols (Rome, 1861), i, 15–16 no. XIX; Toubert, *Structures*, ii, 1040, 1065–6 n. 3.

69 *Annales Ceccanenses*, ed. G.H. Pertz, *MGH SS*, xix (Hanover, 1866), 281–2; M.J. Wilks, 'Ecclesiastica and Regalia: papal investiture policy from the Council of Guastalla to the First Lateran Council, 1106–23', in *Councils and Assemblies*, ed. G.J. Cuming and D. Baker, *Studies in Church History*, 7 (Cambridge, 1971), 69–85, at 82–5; U.-R. Blumenthal, 'Patrimonia and regalia in 1111', in *Law, Church and Society: essays in honor of Stephan Kuttner*, ed. K. Pennington and R. Somerville (Philadelphia PA, 1977), 9–20, at 10.

70 Toubert, *Structures*, ii, 1068–81, esp. 1066–7; Bolton, 'Nova familia beati Petri', 162–4.

71 *Castrum* describes any fortified habitation in the Patrimony in the twelfth century while *rocca castri* implies a central fortification or castle.

72 G. Tabacco, 'Problemi di insediamento e di popolamento nell'alto Medioevo', *Rivista storica Italiana*, 79 (1967), 67–110.

73 O. Vehse, *Die päpliche Herrschaft in der Sabina bis zur Mitte des 12. Jahrhunderts* (Rome/Regensburg, 1929–30), 172–5; Toubert, *Structures*, i, 391–2; ii, 1071–2.

74 *Italia pontificia*, ii, 72–3 no. 1; *Liber censuum*, i, 407 no. 131; Toubert, *Structures*, ii, 1073.

despite his political problems, managed to retake the *castra* of Ponza and Affile in the Tiburtina,⁷⁵ and in the following year obtained Ninfa in the Marittima.⁷⁶ Calixtus II (1119–24) and Honorius II (1124–30), supported by the Frangipani and the pro-papal lords of Ceccano, created *castra specialia* along the southern frontier with the Regno at Montefortino, Lariano, Giuliano, Santo Stefano, and Acquapuzza.⁷⁷ Following the Anacletan Schism (1130–8), the period from 1140 into the 1150s actually witnessed a gradual diminution of conflict in Tuscia Romana and the Sabina.⁷⁸ Whilst the commune pressed for the *Renovatio Senatus* during 1144 and 1145, the Roman revolt, far from weakening the papacy, helped to reinforce its ties with an important element amongst the local nobility such as the Frangipani, Colonna, and counts of Ceccano who had, over time, been responsible for the gradual alienation of papal territory and from whom this territory urgently needed to be reclaimed.⁷⁹ Indeed, it is precisely from the pontificate of Eugenius that the papacy first began to benefit from the disarray to which the local nobility were falling prey. Purchases, advantageous exchanges, the seizure of unredeemed pledges, and indebtedness could all now be turned to advantage by a new style of papal administration.⁸⁰

Whilst the placing of *castra* at strategic frontiers as initiated by the pope's predecessors undoubtedly provided an essential impetus in the recovery and stabilization of the *possessiones beati Petri*, an equally crucial factor proved to be the more efficient reorganization of tax collection and the resulting increase in papal revenues. Once he became pope, Eugenius, seeking to improve the fiscal administration of the papacy, swiftly commissioned a two-volume census, now lost but still traceable in part, which listed the obligations and payments owed from lands and properties by right and ownership, *in jus et proprietatem*, to the Roman Church.⁸¹ Cencius *Camerarius* himself confirms the existence of this work when, in the introduction to his *Liber censuum* of 1192, he states that Eugenius 'of happy memory', was the first to make a collection of such material, followed in

75 *Liber censuum*, i, 407 no. 131; Toubert, *Structures*, ii, 1056 n. 1.

76 *Liber pontificalis*, ii, 303; *Italia pontificia*, ii, 109 no. 1; *Liber censuum*, i, 407–8 no. 132.

77 S. Silvestrelli, *Città, castelli e terre della regione romana: ricerche di storia medioevale e moderna sino anno 1800*, 2 vols (Rome, 1940), i, 125–6; Toubert, *Structures*, ii, 1074.

78 Toubert, *Structures*, ii, 1074.

79 R.L. Benson, 'Political *renovatio*: two models', in *Renaissance and Renewal in the Twelfth Century*, ed. R.L. Benson and G. Constable with C.D. Lanham (Oxford, 1982), 339–85, at 340–2; Toubert, *Structures*, ii, 1075. See J. Doran, 'Eugenius III and the Roman Commune', above, Ch. 9.

80 Toubert, *Structures*, ii, 1135.

81 *Le Liber censuum de l'Église Romaine*, ed. P. Fabre and L. Duchesne, 3 vols (Paris, 1889–1910), i, 1–2.

this by Adrian IV and 'certain others'.⁸² Cencius explains briefly and frankly (*breviter et aperte*) that the rudimentary compilations of both Eugenius and Adrian had included some incomplete documentation which was, in his view, neither properly authenticated nor correctly arranged.⁸³ Hence, according to Cencius the work of these two former popes required urgent revision, since their successors had been unable to establish which churches, monasteries, and other institutions were liable to pay census to St Peter and the Roman Church. Despite his criticism, Cencius nevertheless retained some of the earlier material for use in his *Liber censuum* and Duchesne was able to identify six, probably seven, diplomas, arguing that nos. 91–6 and almost certainly no. 121 belong to the compilation made on the instructions of Eugenius,⁸⁴ whilst nos 98–120 represent the twenty-three diplomas of the register drawn up on the orders of Adrian IV.⁸⁵

Although the surviving diplomas from the census compiled by Eugenius are far fewer in number than those which may be securely attributed to Adrian IV, they nevertheless indicate that the reorganized machinery of tax collection was beginning to yield increased revenues for the papal treasury which, in turn, assisted the raising of troops and the purchase and consolidation of alienated territory.⁸⁶ Evidence that under the watchful eye of Eugenius officials were instructed to search the records to see that no taxes had escaped them comes from a unique survival in his census book; concerning the *Marche* however, rather than the Patrimony.⁸⁷ This entry reveals that the contrite bishop of Rimini was ordered to repay the sum of forty pounds to the Lateran Palace to cover the annual depreciation in the value of the census paid by his diocese as well as an additional pound of pure silver every year for the Roman Church.⁸⁸ Another traditional source of finance came from the offerings of the faithful at the altars of the great basilicas.⁸⁹ In 1153 Eugenius, after consulting the bishops and cardinals,

82 *Liber censuum*, i, 2 n. 1. A letter from Alexander III, dated at Sens (October 1163 or 1164) is said to have mentioned a book of taxes stating that the church of Lagny-sur-Marne owed the Lateran Palace an ounce of gold. Efforts to trace this letter have so far been unsuccessful.

83 *Liber censuum*, i, 1–2; W.E. Lunt, *Papal Revenues in the Middle Ages*, 2 vols (New York, 1934), ii, 34–5.

84 *Liber censuum*, i, 380–5, 401–2.

85 *Liber censuum*, i, 385–400; Geisthardt, *Der Kämmerer Boso*, 44–54; Robinson, *The Papacy*, 254–5, calls these documents 'diplomas'.

86 Toubert, *Structures*, ii, 1066–8.

87 *Liber censuum*, i, 88–9 and nn. 3–4.

88 *Italia pontificia*, iv, 163 no. *21 (1145–53).

89 P. Fabre, 'Les offrandes dans la Basilique Vaticane en 1285', *Mélanges d'archéologie et d'histoire, École française de Rome*, 14 (1894), 225–40, at 227–8; Partner, *Lands of St Peter*, 186.

redistributed these, granting one quarter to the canons of St Peter's, in addition to those offerings left on the High Altar (*de altari beati Petri Apostoli*), on the *arca* (the *Confessio*), or on the smaller altars (*ministeria*), with the exception of those left on the altar of Leo I which the popes traditionally reserved for the use of the Church.⁹⁰ The vision displayed by Eugenius in creating the census and exploiting other financial resources, both large and small, was thus a crucial element in the vindication of the *regalia* of the *patrimonium beati Petri*.⁹¹

The offices of chancellor (*cancellarius*) and chamberlain (*camerarius*) increased in significance during Eugenius's pontificate – especially in view of his lengthy absences from Rome. Altogether Eugenius spent only fourteen months in the city – one month in the period from February 1145 to November 1149, a further six from November 1150 and seven months from December 1152 until just before his death in July 1153.⁹² In relation to the chancellorship, he may well have come to share Bernard of Clairvaux's exalted view when he wrote to his former pupil that: 'To have a chancellor who is good, just and of good repute is no small part of the apostolic dignity, no small protection of the apostolic conscience'.⁹³ And his first chancellors – the Englishman, Robert Pullen, cardinal priest of SS. Martino e Silvestro (1145–46)⁹⁴ and Guido, cardinal deacon of SS. Cosma e Damiano (1146–49)⁹⁵ – happened to be close friends of St Bernard too.

Eugenius himself interrupted this sequence when, instead of appointing a successor to Cardinal Guido, he singled out Boso, his fellow Tuscan, to serve as a temporary official in the papal secretariat during the vacancy between 1149 and 1152.⁹⁶ Boso never held the official title of *cancellarius* but performed all the duties of chancellor during this period. As he had not by then been raised to the cardinalate, he subscribed documents only as

90 A. Annibaldi, *Collectionis Bullarum Sacrosanctae Basilicae Vaticanae*, 3 vols (Rome, 1747–54) i, *A Sancto Leone Magno ad Innocentium VI*, 51; *Italia pontificia*, i, 141–2 no. 31; Partner, *Lands of St Peter*, 184 and n. 4.

91 Spornick, 'Life and Reign of Pope Eugene', 367–71.

92 See A.J. Duggan, 'The Benefits of Exile', above Ch. 6.

93 Bernard, 'Epistolae', 192–4 no. 280, at 194; Robinson, *Papacy*, 93.

94 Robert Pullen, d. 1146; Zenker, *Die Mitglieder*, 89–92 no. 56; D. Luscombe, 'Robert Pullen', *ODNB* 45 (Oxford, 2004), 535–6, <http://www.oxforddnb.com/view/article/22877?docPos=1>, accessed 20 May 2016.

95 Guido da Caprona, CD of SS. Cosma e Damiano (1132–49) and chancellor (1146–9): Brixius, 43, 89 n. 61; Zenker, 90–9 n. 40, 131, 146–8.

96 Brixius, 58; Zenker, 149–52 n. 121; Geisthardt, *Die Kämmerer Boso*, 80–2; Robinson, *The Papacy*, 95.

scriptor, a lesser functionary of the chancery.⁹⁷ Sometime before May 1153 Eugenius gave the title of chancellor to Roland from Siena, and a member of the chapter of Pisa, and he continued to serve both Anastasius IV (1153–4) and Adrian IV in this capacity.⁹⁸ By the mid-twelfth century, the functions of the chamberlain or *camerarius* had come to include those of the official formerly known as the *arcarius*, who received the alms donated *ad limina* to St Peter and the *saccellarius* or papal paymaster with special responsibility for the financing of troops and administering of the sums of money necessary to win over recalcitrant nobles.⁹⁹ We do not know who exercised the office of chamberlain in the early years of Eugenius's pontificate but, by November 1151, Rainerio was clearly named as *camerarius*.¹⁰⁰

The diligent oversight of the *Patrimonium beati Petri* by Eugenius is recorded in the small collection of documents or diplomas of a hitherto unknown clarity and precision which survive from his census.¹⁰¹ Supplemented by invaluable references in Kehr's *repertorium* of papal privileges and letters for Rome and Lazio, we may now begin to trace the pope's impressive territorial reconstruction, not merely at Terracina, Sezze, Norma, and Fumone, as recorded by Boso – all four in the south of the Patrimony – but also with regard to those areas in which Eugenius happened to be resident at any one time and from where he might gain knowledge of the local situation. Unfortunately, no contemporary narrative chronicle exists for Tuscia Romana, the region north of Rome, in this period so our information is limited to 'official' documents. Eugenius set out not only to reward the local noble families for their help in his struggle with the Roman commune but also to purchase *castra* which could subsequently secure territory for his successors.¹⁰² It is to the originality and type of agreements made between – or on behalf of – the pope and his vassals in Tuscia Romana that we turn first.

Following his consecration, Eugenius III stayed briefly at Narni and Civita Castellana before moving on to Viterbo in April 1145, where he remained more or less continuously until the end of 1146, returning again in early 1149

97 6 November 1149–3 May 1153.

98 Brixius, 55–7, 112; Zenker, 85–8 n. 52. Roland was CD of SS. Cosma e Damiano by 23 October 1150 and CP of S. Marco by 30 March 1151. He was elected as Alexander III in 1159. See A.J. Duggan, '*Alexander ille meus*: the papacy of Alexander III', in *Pope Alexander III (1159–81): the art of survival*, ed. P.D. Clarke and A.J. Duggan (Farnham, 2012), 13–49, at 15–17.

99 Toubert, *Structures*, ii, 1063 n. 3.

100 *Italia pontificia*, ii, 169 no. *6: '(1151) Eugenius III praecipit Rainerio camerario suo, ut fines tenimentorum a sese Iohanni concessorum statuat'; Toubert, *Structures*, ii, 1060 n. 1.

101 *Liber censuum*, i, 380–5.

102 Vehse, *Die päpliche Herrschaft*, 172–5; Toubert, *Structures*, i, 391–2; ii, 1071–2.

for another four months. As a generous benefactor to Viterbo's religious houses, the pope was particularly well equipped to understand the situation 'on the ground', granting many privileges to local churches.¹⁰³ From Viterbo, he not only began to recover *castra specialia SRE* but also to establish new ones.¹⁰⁴ Rather than relying solely on frontier strongholds, as his papal successors had done, the *castra* acquired by Eugenius in Tuscia Romana were strategically important in forming part of a network of fortifications with which he ultimately aimed to cover the length and breadth of papal territory. Acquired by a whole variety of initiatives, some *castra* were returned to their former owners in fief and others taken into papal hands, each according to local circumstance.¹⁰⁵

By December 1146, Eugenius had already put his local knowledge to good use when he extracted from Girardo de Guitto, count of Vetralla, the *castrum* of Petrignano on the Via Cassia between Viterbo and Vetralla with all its territories, rents, and appurtenances as surety for a debt of 200 pounds in money of Lucca.¹⁰⁶ The pope and his successors were henceforth to enjoy freedom of entry to the *castrum* while Girardo promised to pay a fine of 100 pounds if either he or his heirs broke their pledge. Petrignano's strategic importance was apparent from its specific mention in the Peace of Strasburg of 1189 when it was agreed between Clement III and Henry VI that the fortress should be returned to Cardinal Hyacinth, later to be Celestine III.¹⁰⁷ In order to reinforce still further the network of fortifications in Tuscia Romana, two other strongholds in the possession of the counts of Vetralla were subsequently acquired by Eugenius. On 2 June 1149 Rainerio, one of Count Giraldo's sons, handed over the nearby *castra* of Piansano and Mazzano,¹⁰⁸ close to Sutri on the Via Cassia, together with all his rights there, both *intus et foris*, in pledge for forty-two pounds in money of Lucca.¹⁰⁹ Should Rainerio or his heirs fail to repay this amount by the Feast of the Nativity, then he promised to pay double the amount owed. At an unspecified

103 Privileges to churches in Viterbo: Sant'Angelo in Spada (8 May 1145), *Italia pontificia*, ii, 211 no. 1; San Sisto, *Italia pontificia*, ii, 211 no. 3 (28 June 1145); San Lorenzo, *Italia pontificia*, ii, 210 no.* 3 (1145–53); San Martino in Monte (*al Cimino*), *Italia pontificia*, ii, 214 no.*1 (1145).

104 Toubert, *Structures*, ii, 1075.

105 Toubert, *Structures*, ii, 1129 and n. 2.

106 *Liber censuum*, i, 384 no. 95 (6 Dec. 1146); *Italia pontificia*, ii, 206–7 no. 1; Silvestrelli, *Città, castelli*, ii, 723–5.

107 *MGH Constitutiones*, i, 460–1 no. 322, at 461 (3 April 1189); B. Bolton, 'Celestine III and the Defence of the Patrimony', in *Pope Celestine III (1191–1198): diplomat and pastor*, ed. J. Doran and D.J. Smith (Farnham, 2008), 317–53, at 329.

108 Today Mazzano Romano.

109 2 June 1149, *Liber censuum*, i, 384–5 no. 96; *Italia pontificia*, ii, 207 no. 2.

date, probably in the early 1150s, Assalito, another of Giraldo's sons, in the presence of the nobles Cencio and Odo Frangipani, with the steward Giacinto, the judges Alberto and Gregorio, and five named witnesses, surrendered the entire *castrum* of Vetralla to Eugenius, with Ubaldo, cardinal priest of S. Prassede,¹¹⁰ and Rolando, by then papal chancellor, acting as intermediaries for the pope.¹¹¹ Assalito declared that he was submitting not only his person but also all those goods and rights which he had in Vetralla, *in castro et rocca, intus et de foris*, on condition that the pope would henceforth provide for him as his vassal. Assalito's declaration of vassalage, made at the very moment that he performed homage but preceding his oath-taking, revealed that he had taken this step of his own free will and without constraint.¹¹²

Whereas Eugenius had obtained fortresses and castles of significance in Tuscia Romana during the first three years of his pontificate through contracts, purchase, or by peaceful negotiation similar to that conducted with Assalito of Vetralla, the situation in the southern part of the Patrimony, particularly during the second half of the pontificate, was frequently turbulent and on certain occasions required the use of force by papal troops. Significantly, the *Annales Ceccanenses*, one of several valuable local narrative chronicles, are informative on two at least of the pope's four southern acquisitions to the *regalia* as listed by Boso.¹¹³ Following his sojourn in France, Eugenius travelled to the region known as the Ciociaria in the Campania and remained there between July 1150 and October 1152, moving between the small civic communities of Anagni, Segni, and Ferentino which lay along the Sacco River valley beneath the Lepini and Ernici mountains. As one of the earliest proponents of a growing papal desire to benefit from a permanent summer residence outside Rome,¹¹⁴ Eugenius, even before

110 Ubaldo of Lucca, CP of S. Prassede (21 June 1141–6 November 1158), CB of Ostia, 19 December (1158–24 May 1181), elected pope as Lucius III (1 September 1181–25 November 1185); Brixius, 43; Zenker, 22–5 no. 6.

111 Undated but probably 1150–3. *Liber censuum*, i, 383–4 no. 94; (1153), *Italia pontificia*, ii, 207 no. 3; Theiner, *Codex diplomaticus*, i, 14 no. 17.

112 Toubert, *Structures*, ii, 1142 and no. 3 considers this oath to be a unique survival from which no conclusions can be drawn.

113 *Annales Ceccanenses*, 283; *Repertorium fontium historiae medii aevi*, 11 vols (Rome, 1962–2007), ii (1967), 261–2.

114 A. Paravicini Bagliani, 'La mobilità della Curia Romana nel secolo XIII: riflessi locali', *Società e istituzioni dell'Italia comunale: l'esempio di Perugia (secoli XII–XIV)*, Atti del congresso storico internazionale (Perugia, 6–9 November 1985), (Perugia, 1988), 155–278; revised as idem, 'La mobilità della corte papale nel secolo XIII', *Itineranza Pontificia: la mobilità della curia papale nel Lazio (secoli XII–XIII)*, ed. S. Carocci, Istituto Storico Italiano per il Medio Evo, Nuovi Studi

1150, had begun to search for a suitable location, sending two cardinals, Julius¹¹⁵ and Guido¹¹⁶ to visit Ferentino on his behalf, *ad videnda ipsa loca*.¹¹⁷ Staying at first as the guest of local bishops in their palaces or other suitable lodgings, he settled on Segni as a suitable site for a summer palace, which he had constructed *a fundamento*, probably around 1150.¹¹⁸

The first decisive action by Eugenius in defence of the Ciociaria was to capture with the aid of papal troops the *arx* or fortress of Fumone, a spectacular *rocca castrì* in a key position dominating the Via Casilina, midway between Anagni and Alatri, and to the north-east of Ferentino. Boso attributes the acquisition of Fumone to Eugenius¹¹⁹ but the diploma in the *Liber censuum*, probably emanating from the pope's own census book, neither names him nor gives a date and has, therefore, been disputed.¹²⁰ Whilst Kehr suggested that it was Alexander III who had captured Fumone,¹²¹ Toubert supports the position taken by Fabre and Duchesne that Boso was indeed correct and argues for 1150 or 1151.¹²² We learn more from the *Annales Ceccanenses*, particularly if we accept Toubert's dating. The entry for the year 1149 – which must in reality be 1150 or more likely 1151 as Eugenius was in Ferentino and Segni between November 1150 and October 1152 – records that Gregorio of Fumone went to visit the pope in Ferentino where Eugenius held him captive and took Fumone from him.¹²³ According to the diploma, after a long struggle Fumone was returned to the authority and ownership of St Peter with much labour and expense, following a continuous siege of

Storici, 61 (2003), 3–78; 155–278; idem, 'La mobilità del corte papale nel Duecento: *Cura corporis* e vita di corte', in *Domus et splendida palatia: residenze papali e cardinalizie a Roma fra XII e XV secolo*, ed. A. Monciatti (Pisa, 2004), 29–42; Toubert, *Structures*, ii, 1051–4.

115 Julius, CP of S. Marcello (28 May 1144–3 Oct. 1158), CB of Palestrina (1 Jan. 1159–30 Sept. 1161), and apostolic vicar in Rome (1161–1165). Brixius, 52; Zenker, 42–3 no. 22.

116 Guido of Crema, CD of Santa Maria in Porticu, CP of Santa Maria in Trastevere: Brixius, 54; Zenker, 56–9 no. 32.

117 *Italia pontificia*, ii, 147 no. 3 (1145–51).

118 *Liber pontificalis*, ii, 387; A.M. Voci 'I palazzi papali del Lazio', in *Itineranza Pontificia: la mobilità della curia papale nel Lazio (secoli XII–XIII)*, ed. S. Carocci, Istituto Storico Italiano per il Medio Evo, Nuovi Studi Storici, 61 (2003), 211–49, at 227–8.

119 *Liber pontificalis*, ii, 387.

120 *Liber censuum*, i, 401 n. 1, and note 86 above.

121 *Italia pontificia*, ii, 150–1 no. 1 (July 1160?).

122 Toubert, *Structures*, ii, 1130–1 n. 7, 1152 n. 2.

123 *Annales Ceccanenses*, 283: '1149. Ceccanus crematus est idibus Septembris feria 3. Cum esset Florentini, Fummoniensis ivit Gregorius invisere eum, et captus est a papa et abstulit ei Fummonem'; Toubert, *Structures*, ii, 1130 n. 7.

ten weeks by papal forces.¹²⁴ Whilst the diploma clearly states that the siege was held 'in the first year of our pontificate',¹²⁵ it is unlikely that Fumone fell into papal hands before 1151 and, in any case, was subsequently returned in fief to its former castellans. The agreement set out a series of detailed provisions, naming the co-owners of Fumone as Gregory, his father, and his sons, together with Bertrannus, grandfather to another Bertrannus and his brothers. This 'consorteria' was brought together in the presence of all interested parties, *domini et participes castri*, in order to swear fidelity to the pope and to acknowledge that they would claim no rights over Fumone.¹²⁶ The service of castle guard, *custodia turris et munitionem*, and possession of the keys, being common to both sides, provision was to be made lest one party should attempt to impede the other and both were obliged to agree to pay security of 100 pounds. Soldiers who had sworn fealty to the papacy promised in addition to desert either side should it ever be revealed that one or the other wished to plot or act wickedly against the Church. In return, the soldiers were to receive a fee for their continued loyalty. This undated act resulted in the conditional restitution of Fumone to its former owners, whilst the price of their submission was their agreement to perform feudal service and enter into the vassalage of Eugenius III. In fact, Fumone may well have been the prototype for the handling of two similarly strategic southern *castra* during the subsequent pontificate of Adrian IV.¹²⁷ At ritual ceremonies held in September 1158 at Acquapuzza, which dominated the Via Appia near Sezze,¹²⁸ and in July 1159 at Sgurgola,¹²⁹ overlooking the valley of the River Sacco, the lords Atenolfo and Gualgano were invested with their allodial *castra* and received them back as fiefs.¹³⁰ It cannot be mere coincidence that Boso is the sole authority to mention the papal acquisition of Fumone, as he personally oversaw a *festuca* ritual for the humbled Atenolfo at Acquapuzza and was himself questioned in detail at Sgurgola before receiving and recording Gualgano's oath of fealty as *camerarius* of Adrian IV.¹³¹

Of all Eugenius's acquisitions, Terracina, at the southern limit of the Patrimony, which fell to papal troops in December 1150, was possibly the

124 *Liber censuum*, i, 401: 'cum multo labore et expensis et continua decem ebdomadatum obsidione in primo anno pontificato nostris, scilicet julii, a nobis recuperatum fuisse'.

125 *Ibid.*: 'in primo anno pontificato nostris'.

126 Toubert, *Structures*, ii, 1145–6 n. 7; 1187 n. 2.

127 Toubert, *Structures*, ii, 1130–1 n. 7.

128 *Liber censuum*, i, 427 no. 148 (11 Sept. 1158).

129 *Liber censuum*, ii, 400 no. 120 (13 July 1159).

130 Bolton, 'Nova familia beati Petri', 157–8, 178–9.

131 Toubert, *Structures*, ii, 1145 n. 1.

most significant of the whole pontificate.¹³² Its capture, recorded briefly by Boso and also by the anonymous chronicler of the *Annales Ceccanenses*,¹³³ marked the beginning of a successful pincer movement to control the Via Appia at the border between the *Patrimonium beati Petri* and the Regno, between the Monti Ausoni and the sea. Terracina itself was dominated by the imposing Rocca de Traversa on which the local Frangipani family clan had erected a great *arx* or fortified tower.¹³⁴ Eugenius's success at Terracina might be somewhat qualified since, as Partner claims, 'he had tolerated a Frangipani hegemony over the city'¹³⁵ and he certainly did pledge Ninfa, strategically placed on the Via Appia to command access to Terracina, to Cencio Frangipani and his nephews, Odo and another Cencio, for 80 pounds in money of Lucca.¹³⁶ On the other hand, Boso records that Norma, just inland on a hill overlooking Ninfa, together with Sezze to the north of Terracina, had fallen into the pope's hands, which suggests that these two small towns might well have formed at least some sort of barrier to Frangipani pretensions.¹³⁷

As Eugenius was to discover, situations similar to those that he had encountered in Pisa also occurred in the Ciociaria when territories were added to the *regalia* of the Roman Church, neither by conquest nor by exchange but instead through gift or pious donation and hence without cost. Occasionally the local nobility offered lands or possessions, motivated as much by religious feeling as by a desire for protection in the face of their declining fortunes. At Monte San Giovanni from the tenth century,¹³⁸ the family clan or *consorteria* of the Girini had gradually extended their control over Bauco, Ceprano, Pofi, Ripi, and Torrice at the southern confines of the Patrimony.¹³⁹ Through various alliances, acquisitions and a complex system of co-heirs, the Girini had built up a local network which was sufficiently powerful to challenge local lords and bishops alike. Yet the collective contracts or agreements involved in launching new *castra* seem also to have led to internal struggles over inheritance and the sub-division of properties

132 *Liber pontificalis*, ii, 387.

133 *Annales Ceccanenses*, 283: '1150. Terracina capta est VI kal.Decembris'.

134 D.A. Contatore, *De Historia Terracinensis Libri Quinque* (Rome, 1706), 47–8, 31; F.M. Apolloni Ghetti, *Terracina, Cardine del Lazio Costiero con un saggio d'iconografia anxurate* (Rome, 1982), 139–46.

135 Partner, *Lands of St Peter*, 187.

136 *Italia pontificia*, i, 192 no. *3 (1145–53).

137 *Liber pontificalis*, ii, 387. No other evidence exists for the capture of Norma and Sezze.

138 Now Monte San Giovanni Campano.

139 Toubert, *Structures*, i, 733 n. 1.

within this complex family of several branches.¹⁴⁰ In August 1152, Eugenius and his successors received a valuable donation from Thomas, Guilliella, and Agnes, named as the children and heirs of Adinolfo, lord of Monte San Giovanni.¹⁴¹ Together these three heirs handed over all that they possessed in the entire *castrum* of Monte San Giovanni, together with their lands in Canneta and in the *castellum* of Strangolagalli and its territory, to Landino of Alatri¹⁴² for onward transmission to Cardinal Ubaldo, procurator of the lord pope.¹⁴³ In the same month Eugenius, then at Segni, heard a legal case in the presence of the bishops and cardinals between Milo, steward of the cathedral of Sant'Andrea at Veroli, and Girino, also designated as lord of Monte San Giovanni.¹⁴⁴ Less than three months later, Gemma, *habitatrix* of Monte San Giovanni and her husband, Girino, described as *vir magnificus*, handed over all immovable possessions belonging to them, not only at Monte San Giovanni but also those at Canneta and Strangolagalli, to St Peter and the Roman Church.¹⁴⁵ Clearly some dramatic events were taking place within the Girini clan to which we are not privy but the reward for the papacy from this case, which was initiated under Eugenius and came to fruition during the pontificate of Anastasius IV, brought some significant gains to the papacy.¹⁴⁶

Elsewhere in the Patrimony, other families saw their wealth and influence beginning to decline too. One such, a secondary branch of the ancient Colonna family, instead of receiving back its lands in fief, agreed to a simple exchange of allodial land, balanced by financial compensation.¹⁴⁷ On 10 December 1151 at Piombinaria near Colleferro, Cardinal Bernard of San Clemente,¹⁴⁸ acting on behalf of Eugenius, purchased from Odo de

140 Toubert, *Structures*, i, 714–16.

141 3 August, 1152, *Italia pontificia*, ii, 171 no. 1; Toubert, *Structures*, ii, 1060 n. 1.

142 Unidentified but probably a judge. See Toubert, *Structures*, ii, 1136 n. 1.

143 Ubaldo, CP of Santa Croce (1144–70) was still procurator under Adrian IV: *Italia pontificia*, ii, 172 no. 8; Zenker, 132 no. 99.

144 'Factum est hoc in presentia domini Eugenii III in civitate Signina, in palatio quod a fundamento construi fecit idem dominus, in presentia dominorum episcoporum et cardinalium', *Italia pontificia*, ii, 158 no. 13 (28 Aug. 1152); *ibid.*, ii, 171 n. 2; Toubert, *Structures*, ii, 1052 n. 3.

145 *Italia pontificia*, ii, 171 no. 3 (4 Nov. 1153).

146 Toubert, *Structures*, ii, 1056 and n. 3, 1060 and n. 1.

147 G. Digard, 'La fin de la seigneurie de Tusculum', in *Mélanges Paul Fabre: Études d'histoire du Moyen Âge* (Paris, 1902), 292–302; M. Thumser, *Rom und der römische Adel in der späten Stauferzeit* (Tübingen, 1995), 67; Toubert, *Structures*, ii, 1129 n. 2.

148 Bernard, canon of San Frediano, Lucca, CP of S. Clemente (31 Dec. 1145–3 Oct. 1158), CB of Porto and Santa Rufina (1158–76): Brixius, 53, 105, 136; Zenker, 29–32 no. 11. For Bernard's legation to Germany, see J. Bachmann, *Die päpstlichen Legaten in Deutschland und Skandinavien (1125–1159)*, Historische Studien, 15 (Berlin, 1913), 102–13.

Colonna and his brother Carsidonio a half share of the city of Tuscolo and its fortress, with all the rights and appurtenances that they and their family held there.¹⁴⁹ As part of the agreement, Odo granted to Cardinal Bernard, two *castra*, the *arx* or fortified stronghold of Monte Porzio,¹⁵⁰ together with the rights that the Colonna possessed in the *castrum* of Montefortini.¹⁵¹ In exchange, the Cardinal paid 150 pounds in money of Pavia and Lucca for the *castrum* of Trevi, the whereabouts of which remain unknown.¹⁵² Although the Colonna lands and the important *castrum* of Zagarolo were not included in the agreement, Eugenius nevertheless succeeded in establishing a strong papal presence in the heart of the Patrimony between the Colli Albani and the Monti Lepini. This exchange, carefully noted in duplicate and given to Cardinal Bernard, acting as the pope's representative, was to become 'firm and unimpaired' once all the financial penalties had been paid. A year later, on 29 December 1152, Odo Frangipani received a compensatory sum of thirty pounds, again paid by Cardinal Bernard for the rights which the pope held there from Odo Colonna.¹⁵³ Meanwhile, to the east of Rome, Raniero *camerarius*, acting on behalf of Eugenius III, bought land from a certain Jordano da Bruzo at three different sites lying close to the Via Tiburtina at the fortified Ponte Lucano on the River Aniene near Tivoli.¹⁵⁴

Less than a fortnight before his death,¹⁵⁵ Eugenius moved boldly and strategically to make the Via Cassia and the northern frontier of Tuscia Romana more secure than ever. If the news of the election of Frederick Barbarossa had been of such concern to the pope and the Curia whilst at Segni in the spring of 1152,¹⁵⁶ of even greater concern was the recently agreed Peace of Constance together with the forthcoming imperial consecration of the new king in Rome.¹⁵⁷ In May of the following year, Eugenius secured the *castrum* of Radicofani and the nearby Rocca Santo Stefano for St Peter through an undertaking made with Raniero, abbot of San Salvatore de

149 *Liber censuum*, i, 382–3 no. 92; 10 December 1151; Theiner, *Codex diplomaticus*, i, 14–15 no. XVIII; *Italia pontificia*, ii, 39 no. 1.

150 Now Monte Porzio Catone.

151 Present day Artena.

152 *Italia pontificia*, i, 187 no. 5 (10 Dec. 1151). Perhaps Trevi in the Monti Simbruini near Frosinone, the eponymous deserted village near Sezze.

153 *Liber censuum*, i, 383 no. 93 (29 Dec. 1152); *Italia pontificia*, i, 192 no. 2; *Italia pontificia*, ii, 39 no. 2.

154 *Italia pontificia*, ii, 79 no. 4 (23 November 1151).

155 8 June 1153.

156 JohnS, *Letters*, i, 207 no. 124, Appendix I, 255 and n. 3.

157 *MGH Constitutiones*, i, 201–3 nos. 144–5 (23 March 1153).

Monte Amiato.¹⁵⁸ The fortifications of Radicofani and the monastery of San Salvatore¹⁵⁹ lay on opposite sides of the River Paglia and hence were vital in defending the Via Cassia in case of attack, whether from German troops, local lords, or robbers targeting pilgrims on the road to Rome. In the presence of Conrad, cardinal bishop of Sabina,¹⁶⁰ Ymar of Tuscolo,¹⁶¹ Hugues of Ostia,¹⁶² and many others, Abbot Raniero, describing himself as venerable though unworthy, revealed that he was very much in command of the situation and perfectly able to drive a hard bargain for such an important strategic position. He handed over the *castrum* of Radicofani with half of all its curtilage, its holdings, and the nearby village of Calamala, excepting those possessions and ancient rights reserved for the use of the monks of the community there, together with those fiefs which were held in the abbey's name alone. All the men of the *castrum* were bound to swear fealty, not only to the pope and his successors but also to the abbot and his. This was to be done in such a way that should Raniero or his abbatial successors ever break the agreement, then the men would be freed from their fealty to the abbot – and the stronghold would then devolve to St Peter and the Roman Church. The converse was to apply if the pope or his successors defaulted on their payments or responsibility for castle guard. Reinforcing the claim that the *castrum* had always been held by the monastery of San Salvatore, the abbot extracted from Eugenius a promise that he and his papal successors would contribute six marks of pure silver each May for the monks' vestments. Raniero further demanded that, although the fortress would be held by papal guards, two or three of the guards of the monastery should be on duty there too. Eugenius was henceforth to be held responsible for the defence of Radicofani but the abbot required further detailed assurances as to the subsequent retention of the *castrum* in papal hands and that the usual conditions would apply to the non-payment of rent. The strategic interest of Radicofani and Rocca Santo Stefano explains the importance of the oaths taken to the papacy, whilst the significance of this agreement is particularly

158 *Liber censuum*, i, 380–2 no. 91 (29 May 1153); *Italia pontificia*, iii, 241–2 no. 14; Toubert, *Structures*, ii, 1145 n. 2; Repetti, iii (Florence, 1839), 318–20.

159 Diocese of Chiusi. Founded in 734 by the Lombard ruler Ratchis.

160 Conrad, CP of Santa Pudenziana (1110–28), CB of Sabina (1128–53), Anastasius IV (1153–4); Brixius, 36; Zenker, 46–8 no. 25.

161 Ymar of Tuscolo, a Cluniac at Saint-Martin-des Champs, Paris, CB of Tusculum (1142–59), legate to England 1144–5, deposed by Alexander III for supporting Victor IV, died 1161. Brixius, 44, 91–2; Zenker, 44–6 no. 24.

162 Hugues of Châlons, monk of Clairvaux, abbot of Trois Fontaines 1147, CB of Ostia 1152–8. Brixius, 55, 108; Zenker, 21–22 no. 5.

highlighted by the presence of no fewer than twenty-nine named witnesses, including several members of the Frangipani and Pierleone clans and many other important Roman families, *et quamplures alii testes*.

Whatever the details of the agreement between Eugenius and Abbot Raniero of San Salvatore de Monte Amiata over the *arx* of Radicofani, they appear to have been insufficiently strong to reassure the pope. A mere five days later Eugenius unexpectedly took measures to strengthen further the fortifications at the northern frontier of the Patrimony. On 3 June 1153, whilst still at Tivoli and in the presence of those bishops, chancery officials, cardinals, and advisors who were there with him, he negotiated a second agreement, this time with a certain Vincentio [Wicio], count of Montumano, his heirs and successors.¹⁶³ The pope was to rent one fourth of the *arx* of Tintinanno, including a fourth part of all its rights and appurtenances for half a golden *morabetino* to be paid to the count at the Lateran Palace in mid-May each year.¹⁶⁴ As the fortress of Tintinanno dominated the Via Cassia – also known as the Via Francigena – and the valley of the River Paglia, midway between San Salvatore de Monte Amiata and Radicofani, Eugenius clearly regarded this *rocca castr*i as a second line of defence, should his earlier agreement with Raniero for some reason fail. Nor would the significance of his concern have been lost on pilgrims. Close by Tintinanno was San Pietro in Paglia, the ancient site of *Mansio X*, a long-established staging post, well known to those making their way to visit, *ad limina*, the tomb of the Apostle Peter in Rome.¹⁶⁵ How appropriate then that quite by chance one of the pope's last concerns should have been his protection of a place named in honour of St Peter to remind pilgrims who were entering the Patrimony of the reason that they were travelling there or those leaving of what they had left behind.¹⁶⁶

In attempting to regain the *regalia beati Petri*, Eugenius was by no means solely concerned with fortifications, vital as these undoubtedly were, but also directed his attention to the implantation of the 'new monasticism' which had

163 *PL*, clxxx, 1599 (3 June 1153); *Italia pontificia*, iii, 250–1 nos 1–2; Ughelli, *Italia sacra*, iii, 638; Repetti, v, 112–17. Nothing is known of Count Vincentio [Wicio].

164 *Liber censuum*, i, 57: 'Rocca Tintinani in episcopatu Clusino dimidium melequinum'; P. Spufford, *Handbook of Medieval Exchange* (London, 1986), 155–7.

165 The village of San Pietro in Paglia [SCE PEITR IN PAIL] recorded by Abbot Sigeric of Canterbury in 999 as *mansio X*, *Memorials of St Dunstan, Archbishop of Canterbury*, ed. W. Stubbs, RS 63 (London, 1874), 391–5; G. Caselli, *La Via Romea* (Florence, 1990), 138–9; F. Dufour, *Le Strade Cristiane per Roma* (Milan, 1998), 142–3.

166 Eugenius died on 8 June 1153 at Tivoli.

scarcely begun to take hold in central Italy.¹⁶⁷ With personal experience of the exigencies of life lived far from human habitation, first at Scandriglia and then at SS. Vincenzo e Anastasio (Tre Fontane) on the Via Ostiense, fourteen kilometres south-east of the Aurelian walls of Rome,¹⁶⁸ Eugenius sought to increase the number of houses and the influence of his Order throughout the Patrimony. Hence, he facilitated the installation of communities of Cistercians in declining old Benedictine foundations, from where they could develop enterprises perfectly suited to their religious discipline and economic experience.¹⁶⁹ In 1145, Eugenius granted the monastery of San Martino al Cimino near Viterbo to the Order,¹⁷⁰ together with a privilege of protection and confirmation of its lands and goods. This, the first Cistercian house in Tuscia Romana, was colonized in 1150 by a group of white monks from Saint-Sulpice at Belley (Ain).¹⁷¹ Between 1149 and 1151, whilst in the Ciociaria, the pope oversaw the installation of monks from Clairvaux at the monastery of Casamari near Veroli.¹⁷² He formally handed over the monastery's lands to its abbot and dedicated the new church thereon 27 October 1151 in the presence of bishops, cardinals, and local people.¹⁷³ Rainerio, at that time papal *camerarius*, was instructed to establish and record the territorial boundaries of the monastery,¹⁷⁴ and from that time forward Casamari developed economically by extending its rights to *sylvae et pascua* and by introducing transhumance to its high pastures.¹⁷⁵ The Cistercians' long-term role in reclaiming the Patrimony was valuable in other ways too, through their draining of the coastal marshlands and their cultivation of tracts of arable land for the use of humans and animals alike.¹⁷⁶ Thus, by the turn of the twelfth century, some fifteen strategically placed houses of the Order had been either re-founded

167 Toubert, *Structures*, ii, 902 n. 4 and 903 n. 1.

168 *Monasticon Italiae I. Roma e Lazio*, ed. F. Caraffa, Centro Storico Benedettino Italiano (Cesena, 1981), 84–5 no. 179. This extremely ancient foundation, no later than the seventh century, was granted to the Cistercians in 1140 by Innocent II.

169 Barclay-Lloyd, *SS Vincenzo e Anastasio*, 42–5.

170 A former Benedictine house, founded during the pontificate of Benedict IX (1033–4).

171 *Italia pontificia*, ii, 214 no. *1 (1145); *Monasticon Italiae I*, ed. F. Caraffa, Centro Storico Benedettino Italiano (Cesena, 1981), 195 no. 299.

172 Founded 1038 by four local priests and Benedictine by 1122: *Monasticon Italiae I*, 190–1 no. 283; Toubert, *Structures*, ii, 903 n. 1.

173 *Annales Ceccanenses*, 283: '6 Kal. Novembris, dedicavit ecclesiam Casamari et reversus est Segnim'; *Italia pontificia*, ii, 169 no. *5 (27 October 1151).

174 *Italia pontificia*, ii, 169 no. *6 (1151).

175 Toubert, *Structures*, ii, 902 n. 1.

176 For such activities at Fossanova near Priverno in the second half of the twelfth century, *Italia pontificia*, ii, 127 nos *3, *4 and *5. See also P. Squatriti, *Landscape and Change in Early Medieval Italy: chestnuts, economy and culture* (Cambridge, 2013), 130–63.

or newly established,¹⁷⁷ forming spiritual *castra specialia SRE* from north to south of the Patrimony in conformity with the vision of Bernard, first abbot of SS.Vincenzo e Anastasio and the Cistercians' first pope.

Always mindful of his former community, Eugenius raised SS.Vincenzo e Anastasio to the status of *caput* or head of the other houses of the Order in the Patrimony, and confirmed its elevation with a number of privileges.¹⁷⁸ On a local level, he granted the monks special permission to move to the small hill town of Nemi, south-east of Rome, to avoid the intense heat of summer whilst nevertheless insisting that they were to remain in their monastery on the Via Ostiense during the winter.¹⁷⁹ In 1153, he addressed all the abbots of the Cistercian Order, requesting a dispensation for the community to retain a certain *castrum* and other possessions by ancient custom and acknowledging that, whilst the discipline of the Order forbade such mitigation, in this case the harshness of the site made this provision absolutely essential.¹⁸⁰ Although Eugenius accepted the risks involved, he considered that it was more honest to allow the community to support itself than to be forced to beg from others and argued that, without these lands, it would be impossible for the brothers to maintain their obligation to the service of the Lord.

On 10 July 1161, Alexander III placed the monastery under papal protection and confirmed the privileges granted earlier by Eugenius.¹⁸¹ Alexander also named several important towns and *castra* in the Maremma region of Tuscany near Grosseto as the possessions of SS. Vincenzo e Anastasio.¹⁸² By the first decades of the thirteenth century, the walls of the narthex of the abbey church were covered with murals depicting its history, including a spurious charter of confirmation of 805 by which Charlemagne and Leo III

177 B. Bolton, 'For the See of Simon Peter: the Cistercians at Innocent III's nearest frontier', in *Monastic Studies*, i, ed. J. Loades (Bangor, 1990), 1–20; repr. with the same pagination in B. Bolton, *Innocent III: studies on papal authority and pastoral care*, Variorum CS 490 (Aldershot, 1995).

178 *Italia pontificia*, i, 173–4 no. 3; Barclay Lloyd, *SS Vincenzo e Anastasio*, 257 n. 59 for the full text of the document in S. Lowenfeld, 'Documenta quaedam historiam monasterii S. Anastasii ad Aquas Salvias illustrantia', *Archivio della Società Romana di Storia Patria*, 4 (1881), 400–3.

179 A. Calandro, 'Nemi e i cistercensi delle Tre Fontane', *Castelli Romani*, 29 (1984), 50–4; Barclay Lloyd, *SS Vincenzo e Anastasio*, 256–7.

180 *Italia pontificia*, i, 174 no. *4; Barclay Lloyd, *SS Vincenzo e Anastasio*, 44 n. 40.

181 10 July 1161, *Italia pontificia*, i, 175 no. 11. 'et confirmat possessiones propriis expressas vocabulis, inter quas totam possessionem Tusciae, sicut per antiquum privilegium Caroli imp. designatur'.

182 Ms Vat. lat. 5844, fols 1–2; Ms Barb. lat. 3232, fols 1r–3r, naming Ansedonia, Orbitello, Caporbio, Giglio, Monte Argentario, Altrecorbo, Aquapiteo, Monte Acuto, Cerpena, Massiliana, Scipilascia, and Monte Oreste.

had allegedly granted the towns in the Maremma to the original founder. Bernard (Eugenius), credited with the reception of many privileges, was the first figure represented in the interior of the portico or narthex, headless, but robed in a Cistercian habit and red cloak of his papal office standing beside nine *castra* and four churches representing the lands in Tuscany as claimed by the monastery. The murals were fortunately recorded for posterity in 1630 in a series of pen and wash drawings made by Antonio Eclissi before their partial destruction.¹⁸³

The initiatives employed by Eugenius as he attempted to recover the *regalia beati Petri* are evidenced through a variety of manuscript sources – few in number and regrettably sparse in detail. A unique inscription, however, supplements our knowledge of events by revealing not only that the capture of Terracina at the southern border of the Patrimony was well received, but also informs us of a hitherto unrecognized confrontation between the pope and some judges. Incised in Gothic capitals on two horizontal stone slabs set into the base of the south-facing wall of the *arx* or Rocca de Traversa where the Frangipani clan had erected a fortified tower on a base of rectangular limestone blocks, the inscription reads as follows:

Pope Eugenius III who, endowed with marvellous virtue and love for honesty, commanded the making of this work, restored to Blessed Peter many long lost *regalia*, gloriously making his memory present.

The corruption of some officials he brought back within the bounds of honesty so that judges may not ask for anything from anyone, nor receive anything, before a case is decided; after it has been decided, they may accept what is offered with fitting modesty and an expression of thanks.¹⁸⁴

183 Drawing by Antonio Eclissi 1630 in Ms Barb. lat. 4402, fol. 43r. See J.E. Barclay Lloyd, 'Medieval Murals in the Cistercian Abbey of Santi Vincenzo e Anastasio *ad aquas salvas* at Tre Fontane, Rome, in their Architectural Settings', *Papers of The British School at Rome*, 55 (1997), 287–348, at 313–17.

184 'EUGENIUS III HOC OPUS GLORIAE IPSIUS MEMORIAM REPRESENTANS FIERI IUBET, QUI MIRA ANIMI VIRTUTE ET HONESTI STUDIO PREDICTUS REGALIA MULTA LONGO TEMPORE AMISSA BEATO PETRO RESTITUIT, QUORUNDAM VITIUM IN MODUM HONESTATIS REDEGIT, NE QUID [IUDICES] A QUOQUAM PETERENT NEVE QUID A QUOQUAM ANTE DECISAM CAUSAM ACCIPERENT, POST DECISAM OBLATUM QUID VERECUNDE ET CUM GRATIARUM ACTIONE SUSCIPERENT', *Italia pontificia*, ii, 119 no. 7. I am most grateful to Professors Bruno Luiselli, John Dillon, and Anne Duggan for help with the complex and stylistically elevated Latin of this inscription.



Inscription on the Frangipani Tower at Terracina photo by courtesy of Dr Maurizio Campanelli

Written in excellent Latin, the inscription falls into two discrete parts. The recovery of ‘many *regalia*’ which had so gloriously demonstrated the pope’s legacy appears in direct contrast to the mere four places named by Boso. The author of the *Annales Ceccanenses* dates the capture of Terracina to 1150,¹⁸⁵ long since confirmed by antiquarians such as Baronio and Manrique.¹⁸⁶ Contatore, writing in 1706, claimed that Eugenius had the tower rebuilt after returning Terracina to the *dominium* of St Peter.¹⁸⁷ This fortification was one of only two – the other being Fumone – captured by force. The inscription, significantly placed in the middle of the south-facing wall of the great tower, was deliberately positioned to catch the attention of those crossing the frontier between the Regno and the newly strengthened Patrimony.

¹⁸⁵ *Liber pontificalis*, ii, 387 and n. 2; *Annales Ceccanenses*, 283.

¹⁸⁶ C. Baronius, *Annales ecclesiastici a Christo nato ad annum 1198*, 12 vols (1588–1607), vol no ad. anno 1153, c.11; A. Manrique, *Cisterciensium seu verius ecclesiasticorum Annalium a condito cistercio ab anno MCLXXIV usque ad MCCXII inclusive*, 4 vols (Lyon, 1649–57), ii (1642), 222.

¹⁸⁷ Contatore, *De Historia Terracinensis*, 47, ‘di Eugenio ancora susiste in Terracina un’egregia memoria “in Arce”, nella parete rivolta a mezzogiorno della torre mediana’; idem, 311, ‘venisse eretta da Eugenio III dopoché aveva recuperata Terracina sottratta al dominio di S. Pietro’.

The first part of the inscription places great emphasis on the personal honesty displayed by Eugenius throughout his career, but the second part is solely concerned with his challenge to the judges whom he attempted to bring 'within the bounds of honesty'. The corruption of officials was one of many *topoi* which surrounded the Roman Curia wherever it happened to be and the text of the inscription certainly rings true, even if its author, date, and the reason for its composition are as yet unknown.¹⁸⁸ As Bernard, the former *vicedominus* of Pisa, the pope had served in two capacities, as the judicial delegate of the archbishop and also as a judicial officer in communal courts. Even if he had received no formal legal training, he was certainly highly experienced and had worked closely with judges more or less throughout his career, and particularly in those cases which, as pope, involved the vindication of the *regalia beati Petri*.

To gain some insight into Eugenius's character in this regard, no one is better qualified to comment than his contemporary and acquaintance, John of Salisbury (c.1115/20–1180), scholar, author, ecclesiastical administrator, and later bishop who had spent some time in his company at the papal Curia in the late 1140s and early 1150s.¹⁸⁹ Throughout his writings, John of Salisbury reveals an exceptional gift for portrayal and great skill in revealing the 'complex irony on the two sides of an issue or a person'.¹⁹⁰ We can clearly see this in the *Historia pontificalis* in which he accuses Eugenius of being too ready to revoke the sentences of his predecessors and guilty of over-reliance on his personal opinion when imposing sentences, a flaw which apparently led to many of his judgments being later revoked. He also blames the pope for being by nature so suspicious that he would rarely believe anyone unless convinced by his own personal experience or the highest authority.¹⁹¹ On the other hand, in *Policraticus*, John praises Eugenius, 'of cherished memory and inimitable holiness', for never receiving gifts of any sort from men who were litigants or from those whom he supposed to be imminent litigants.¹⁹² And he adds later in the text that 'the more carefully blessed Eugenius turned away presents, the more did they stream into him from everywhere'.¹⁹³

188 J.A. Yunck, *The Lineage of Lady Meed: the development of mediaeval venality satire* (Notre Dame IN., 1963), 141–59, at 148–9.

189 D. Luscombe, 'John of Salisbury', ODNB at <http://www.oxforddnb.com/view/article/14849?docPos=5>, accessed 11 May 2016.

190 C. Brooke, 'John of Salisbury and his World', in *The World of John of Salisbury*, ed. M. Wilks, Studies in Church History, Subsidia, 3 (Oxford, 1984), 1–20, at 2, 13.

191 JS *HistPont*, 51.

192 John of Salisbury, *Policraticus. Of the Frivolities of Courtiers and the Footprints of Philosophers*, ed. and trans. C.J. Nederman (Cambridge, 1990), 98 (v.15).

193 John of Salisbury, *Policraticus*, 101 (v.17).

Honesty was a matter after John's own heart. Well aware of money satires on which he expatiates at length, he states that justice does not require payment and that it is madness as well as iniquity to offer it for sale.¹⁹⁴ The only person who sells justice is he who does not have it. Every magistrate is the servant of justice and none of those things which he is there to do are to be done for a price.¹⁹⁵ The details contained in the incised inscription describing Eugenius's own attempts to limit the corruption of the judiciary follow closely John of Salisbury's own thoughts and arguments which were undoubtedly prevalent at the Curia in the period between 1148 and 1152.¹⁹⁶ Judges were required to exercise honesty and regularity of purpose in their application of the law and it seems that popes, and especially Eugenius, spent much of their time in attempting to get them to do so. There is perhaps more than an echo of his influence in the *Gesta Innocentii III*, the anonymous biography of Innocent III (1198–1216), his distant successor, who worked hard to extirpate venality from the Curia. Innocent established a fixed fee for scribes and for those *bullators* who sealed bulls, strictly ordering that each official should carry out his office free of any charge over and above the fee. In particular, he ruled that his officials were to receive graciously any offering that anyone freely gave them.¹⁹⁷

Several false dawns were to occur in the course of the twelfth century as attempts were made by various popes to restore the *regalia et possessiones beati Petri*. In this respect, however, there was nothing false about the pontificate of Eugenius III. Indeed, this period marked a new and unprecedented outburst of energy during which first Eugenius, and then his papal successors down to Innocent III, succeeded in regaining previously lost territory and acquiring much that was new across the Patrimony. Although Boson had reworked the *Vita Eugenii*¹⁹⁸ and certainly owed his early advancement in the Curia to Eugenius, he clearly considered that his debt to Adrian IV, who elevated him to the cardinalate, was far greater. As papal *camerarius*, Boson was directly involved in events such as the capture of Acquapuzza¹⁹⁹

194 John of Salisbury, *Policraticus*, 93 (v.11); Yunck, *The Lineage of Lady Meed*, 107–9, 115–16.

195 John of Salisbury, *Policraticus*, 133 (vi.24).

196 JS *HistPont*, 75–7.

197 *Gesta Innocentii PP. III, PL*, ccxiv, 80, c.41: 'districte praeciens ut singuli suum officium gratis impenderent, recepturi gratanter, si quid eis gratuito donaretur'; D. Gress-Wright, 'The *Gesta Innocentii III*: text, introduction and commentary', unpublished Ph.D. thesis, Bryn Mawr College, 1981, 60; *The Deeds of Pope Innocent III by an Anonymous Author*, ed. and trans. J.M. Powell (Washington DC, 2004), 55–6, c.41. It is surely of significance here that Innocent adopted the same rota device as Eugenius.

198 Toubert, *Structures*, ii, 1130–1 n. 7, 'rédigée à chaude'.

199 *Liber censuum*, i, 427 no. 148 (11 Sept. 1158).

and Sgurgola²⁰⁰ where he played an active, even quasi-military role. Cardinal Bernard of San Clemente performed for Eugenius III the functions that Boso would later carry out for Adrian IV. We should not, therefore, be surprised that, in his biographies as in real life, Boso privileged Adrian, his friend, over Eugenius and even over Alexander III, whose biography he also wrote.²⁰¹ Toubert suggests that Boso seems deliberately to have enhanced the *vita* of Eugenius by choosing to concentrate squarely on events in the city of Rome, on the pope's call for the Second Crusade, and on his summoning of the mid-Lenten Council at Reims in order to create a livelier and more colourful piece than the *Vita* may previously have been.²⁰² And yet, Boso fails to mention anything at all concerning the most significant aspect of the Terracina inscription – the problem of the judges and Eugenius's significant intervention. In the light of the many advances that this Pisan pope achieved in the Patrimony to vindicate the *regalia* and especially through his challenge to the corruption of the judges, now literally 'set in stone', it may perhaps be no exaggeration to suggest that much of the later success of Innocent III in these two areas rested squarely on the political acumen of Eugenius III and the initiatives that he set in train.

About the author

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200 *Liber censuum*, ii, 400 no.120 (13 July 1159).

201 Boso, *Vita Alexandri, Liber pontificalis*, ii, 397–446.

202 Toubert, *Structures*, ii, 1130–1 n. 7, 'rédigée à chaude'.

11. Eugenius III's Privileges to Cistercian Houses

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Abstract

Based on a study of the thirty-five surviving privileges which Eugenius III sent to Cistercian houses across Europe, this paper examines the pope's relations with the Order. It concludes that the pope did not grant excessive privileges or weaken the authority of diocesan bishops, and that in granting exemption from tithes on the products of their own labour and animal husbandry, he was following Innocent II (1130–43). Against the conclusions of Constance Berman's *Cistercian Evolution* (2000), the paper defends the authenticity of Innocent II's general tithe privilege of 1132 and agrees with Berman's critics in arguing that Eugenius confirmed the *Carta caritatis posterior* in 1152 and with it the disciplinary structure of the Order.

Keywords: Eugenius III's privileges for the Cistercian Order; *Carta caritatis posterior*; tithe privilege; Berman thesis

When on 15 February 1145 Eugenius III became the first Cistercian pope, the dramatic rise in the desire for papal judgments and privileges across Europe was well under way. At the same time the Cistercian Order was continuing to expand exponentially. As pope Eugenius was actively involved as a judge and an arbiter, which is significant as papal privileges often arose from the context of legal disputes.¹ This raises several questions about the relationship between high office and affiliation with a monastic congregation. Did Eugenius act to advance the privileges of his order? Did

¹ A.J. Duggan, 'Servus Servorum Dei', in *Adrian IV, the English Pope (1154–1159)*, ed. B. Bolton and A.J. Duggan (Aldershot, 2003), 181–200, at 183.

he undermine episcopal jurisdiction by weakening the authority of the local bishop over Cistercian houses? How uniform were Cistercian privileges in this period? In considering these three questions we will also discuss the possible influence of Abbot Bernard of Clairvaux (1115–53) and whether Eugenius's membership of the Cistercians can be discerned in the privileges he granted the Order.

Some thirty-five letters to Cistercian houses survive from the pontificate of Eugenius III: eleven for England, twenty for France, two for Spain, and one each for Italy and Germany. This relatively small survival can be explained by manuscript losses and the fact that the privileges granted by Eugenius were repeated by later popes, making it unnecessary to keep records of the earlier ones. Although this paper surveys the privileges to English and continental houses, evidence will generally be drawn from the English examples.

Tithe privileges granted to the Cistercians before the pontificate of Eugenius III

It has generally been asserted that the Cistercians enjoyed two main privileges before the pontificate of Eugenius III, one exempting them from paying tithes and another freeing Cistercian abbots from attendance at diocesan synods.² Innocent II (1130–43) granted the Cistercians an exemption from paying tithes on the products of their own labour or animal husbandry, the so-called *Sane laborum* privilege, in 1132.³ Constance Berman has recently questioned whether the whole Order was granted this exemption, claiming that the letter which Cîteaux possessed to this effect was a forgery, while

2 L. Lekai, *The Cistercians: ideas and reality* (Kent, OH, 1977), 68; J.-B. Mahn, *L'ordre cistercien et son gouvernement, des origines au milieu du XIII^e siècle (1098–1265)* (Paris, 1982), 99–118 and 136–7; F. Pfurtscheller, *Die Privilegierung des Zisterzienserordens im Rahmen der allgemeinen Schutz- und Exemptionsgeschichte vom Anfang bis zur Bulle 'Parvus Fons' (1265)* (Bern, 1972), 24–32.

3 'Sane laborum vestrorum, quos propriis manibus aut sumptibus colitis sive de nutrimentis vestrorum animalium nullus omnino clericus vel laicus decimas exigere presumat.' *PU England*, i, 451–3 no. 182 and see *PU England*, i, 300–2 no. 56 and 258–9 no. 31. A great deal of ink has been spilled on the subject of Cistercian tithe privileges, but these are not the focus of this chapter. The interested reader should refer to G. Constable, *Monastic Tithes: from their origins to the twelfth century* (Cambridge, 1964); G. Schreiber, *Kurie und Kloster im 12. Jahrhundert*, 2 vols (Stuttgart, 1910), i, 246–94; Mahn, *L'ordre cistercien*, 102–18; C.R. Cheney, 'A Letter of Pope Innocent III and the Lateran Decree on Cistercian Tithe-paying', in *Medieval Texts and Studies*, ed. C.R. Cheney (Oxford, 1973); Pfurtscheller, *Die Privilegierung*, 26–8.

that belonging to Clairvaux related only to abbeys connected to that house.⁴ But a place-specific privilege does not necessarily undermine the existence of a general privilege, however. An individual grant was much more effective than a general privilege⁵ in legal disputes. The production of a privilege addressed to the abbot and monks of a named location carried much more weight than the citation of a general exemption, especially in the early days of the Order's expansion. This explains why individual privileges including the tithe clause continued to be produced after a general privilege had been conferred. Second, since all the privileges to English Cistercian houses which pre-date Eugenius III contain the clause, it is hard to argue that there had not been a uniform policy of conferring this tithe exemption on Cistercian houses.⁶ This evidence supports the claim that tithe exemption was indeed a general Cistercian privilege.

Tithe privileges granted to the Cistercians during the pontificate of Eugenius III

There were no major advances in the privileges to individual Cistercian houses during the pontificate of Eugenius III. There was, however, a degree of uniformity to these privileges, and all but one of the thirty-five papal letters contain it. The one exception was to the monastery of Le Gard in France, which had no tithe clause.⁷ Seventy-five per cent of the papal letters to Cistercians analysed here include nothing more. The development came not in a change in the tithe privilege but in the fact that under Eugenius the Cistercians continued to hold the same tithe right as the lands and possessions of many of their houses increased.

Innocent II had dramatically expanded the number of monastic houses that held this tithe right⁸ and that policy continued under Eugenius III, who extended it to non-Cistercian houses such as the Augustinian Oseney Abbey (Oxfordshire) and the Benedictine abbey dedicated to St Guthlac in Crowland

4 C. Berman, *The Cistercian Evolution* (Philadelphia, PA, 2000), 80–3 and 238.

5 Constable, *Monastic Tithes*, 242.

6 *Memorials of the Abbey of St. Mary of Fountains*, ed. J.R. Walbran *et al.*, 3 vols, Publications of the Surtees Society, 42, 67, 130 (Durham, 1863–1918), ii, 63; *PU England*, i, 258–9 no. 31; *PU England*, iii, 270–1 no. 36 and 163–64 no. 41

7 *PU Frankreich*, NS, iv, 162–3 no. 58.

8 Constable, *Monastic Tithes*, 237; *ibid.*, 220, traces the origin of monastic tithe exemption to Paschal II in the early years of the century.

(Lincolnshire).⁹ Other monasteries received rights exempting them from the payment of tithes on 'new lands', only – the very restriction that would be placed on Cistercians under Adrian IV (1154–59).¹⁰ The tithe privilege was originally given to help poor monasteries maintain financial self-sufficiency; this explains why the larger and more financially powerful monastic houses, such as the Benedictine monastery of Bury St Edmunds, never had privileges regarding tithes. Moreover, such grants represented no loss to existing ecclesiastical institutions since the Cistercians typically established houses in remote and undeveloped areas, from which no tithes had previously been paid.

This did not remain the case, however. Surviving privileges show that generous patrons bestowed fisheries and mills and others even granted churches. As the Cistercian congregation grew and the territories of their houses increased, they came into possession of lands from which tithes were customarily paid, so that the rights of others were increasingly infringed. Similarly, although the Cistercians had initially been opposed to the possession of tithes produced by other men, Eugenius III confirmed Cistercian acquisition of tithes for some monasteries but not others, presumably because only some requested it. Countless disputes followed. Eugenius does not seem to have had a particular opinion about such acquisition, being principally concerned with the economic good of the Order. It was his successor Adrian IV who modified the Cistercian tithe privilege. At the start of his pontificate Adrian changed the terms of the tithe exemption to limit it to newly cultivated lands, and made the monks liable to pay tithes from any lands from which tithes had previously been paid. Hence the privilege changed from *Sane laborum* to *Sane novalium*.¹¹

Episcopal authority and the privileges granted to the Cistercians before and during the pontificate of Eugenius III

Attendance at diocesan synods

The other privilege obtained by the Cistercians before the pontificate of Eugenius exempted Cistercian abbots from attendance at diocesan synods.¹²

9 *PU England*, iii, 193–4 no. 65 (Oseney) and 196–7 no. 67 (Guthlac).

10 Constable, *Monastic Tithes*, 278–9.

11 'sane novalium vestrorum quos propriis manibus aut sumptibus colitis seu de nutrimentis vestrorum animalium nullus a vobis decimas exigere presumat'. *PU Italien*, iii, 98–9 no. 12, at 99.

12 Lekai, *The Cistercians*, 68.

This right is associated with monastic exemption from episcopal authority.¹³ The character of this privilege is more complicated. Innocent II exempted Clairvaux and Cîteaux from attending diocesan synods in 1132, and those privileges declared that the right was granted to Cistercian houses generally – and there is evidence that the right was exercised by other Cistercian houses.¹⁴ Yet it appears in none of the privileges from Eugenius III to continental or English Cistercian houses¹⁵ and it is improbable that this clause was included in letters to English Cistercian houses which have since been lost. It seems unlikely that this right was exercised but not recorded in individual privileges because it was granted in a wider privilege. On the contrary, the absence of this exemption from all surviving privileges for English houses and from those for the majority of continental houses, strongly suggests that they either did not possess or did not use this privilege.

The evidence for English houses is unfortunately rare and inconclusive. Records of diocesan synods are sparse, and the attendance records almost non-existent for England from 1140 to 1180. Yet there is evidence that at least some Cistercian abbots attended such meetings. Ailred, abbot of Rievaulx (1147–67), preached at many local synods¹⁶ and the abbot of Waverley in Surrey is recorded at the bishop of Winchester's synod, which met between 1148 and 1153.¹⁷ There is no evidence, however, to confirm that they stayed for the proceedings. Their presence does not have a significant bearing on whether they possessed the privilege. They could have had the exemption and chosen to attend anyway, to hear the business of the synod or to secure an audience for their sermons. Three Benedictine abbots and one Cistercian abbot attended the Council of Westminster in 1175¹⁸ and 'this hardly

13 D. Knowles, 'The Growth of Monastic Exemption', *Downside Review*, 50 (1932), 201–31 and 396–436, at 206.

14 Mahn, *L'ordre cistercien*, 99 and 136–7; Pfurtscheller, *Die Privilegierung*, 98–100; L. Falkenstein, *La papauté et les abbayes françaises aux XI^e et XII^e siècles* (Paris, 1997), 207.

15 It appears in a letter to an English Cistercian house only in 1186: *PU England*, i, 521–5 no. 236.

16 'The bishop orders him [Ailred] to preach to the clergy in their local synods and he does so' ('In synodis iubet illum antistes sermonem facere ad clericos, quod et facit'): *The Life of Ailred of Rievaulx* by Walter Daniel, ed. and trans. F.M. Powicke (London, 1950), 28; the same source also states that 'he preached about two hundred most eloquent sermons, worthy of all praise, in our chapters, in synods and to the people' (*ibid.*, 42).

17 *English Episcopal Acts VIII: Winchester 1070–1204*, ed. M.J. Franklin (Oxford, 1993), 37, no. 54.

18 This council has been described as a provincial council for Canterbury. It should not be forgotten that the archbishop was also a legate at this point. The claim that the council was a legatine council has been seriously challenged. C.R. Cheney, 'Legislation of the Medieval English Church Part II', *EHR*, 50 (1935), 385–6.

seems likely to be a complete list'.¹⁹ The Council decreed that Cistercians must not hold churches.²⁰ This restriction simply repeated an earlier papal decree;²¹ nevertheless it shows that the Council believed it had authority over Cistercian houses. The English Cistercians, therefore, do not appear to have enjoyed rights which exempted them from the power of those synods. It is unclear, however, whether the English Cistercians were exempted from attendance at diocesan synods. The absence of such a clause from all surviving privileges suggests that they were not. The only privilege clearly held by all Cistercian houses before the pontificate of Eugenius was the tithe privilege, *Sane laborum*, discussed above.

The authority of bishops

As observed above, there was a high degree of uniformity in the tithe privileges granted to the Cistercians during the pontificate of Eugenius III. Another area where there was both a large degree of uniformity and a lack of development was the question of episcopal authority over Cistercian houses. The pertinent clause, 'saving the authority of the apostolic see and the diocesan bishop' (*salva sedis apostolice auctoritate et diocesani episcopi*) appears in twenty of the thirty-five surveyed letters to Cistercian houses during the pontificate of Eugenius III. Significantly it appears in all but one of the letters which have further exemptions in addition to the tithe privilege and was often absent when no episcopal rights were being infringed. When the phrase appears in the letters with additional clauses it acted to safeguard episcopal authority.

The crucial distinction is between letters which contain the clause saving the authority of both the pope and the bishop and those which only refer to the pope. The latter would have represented a step away from episcopal jurisdiction and towards exemption. This is the formula found in the letters of Eugenius to some Benedictine monasteries such as Bury St Edmunds,²² yet it never appears in a privilege to a Cistercian house during or before Eugenius's pontificate. Cîteaux itself was not initially exempt from episcopal

19 *Councils and Synods with other Documents Relating to the English Church*, 1/i–ii, ed. D. Whitelock, M. Brett, and C.N.L. Brooke (Oxford, 1981), 1/ii, 966. One point of interest regarding Cistercian attendance at councils is that Cistercians do not appear to have attended the Council of Tours in 1163. While this marks an early peak in papal letters to England, not a single Cistercian letter survives for this year.

20 *Councils and Synods*, 1/ii, 969.

21 *Councils and Synods*, 1/ii, 969; letter of 10 September 1161 × 1175: JL 12412.

22 'salva in omnibus sedis apostolice auctoritate': *PU England*, iii, 191–3 no. 64.

jurisdiction. It came under papal protection with a letter from Pope Paschal II (1099–1118) dated 18 April 1100, addressed to Abbot Alberic. But the letter did not remove Cîteaux from episcopal jurisdiction: it merely 'secured the peaceful and quiet development of the community'.²³ The Cistercians were not initially in favour of exemption from episcopal jurisdiction and no letter to an individual Cistercian house during the pontificate of Eugenius III removed a Cistercian house from episcopal jurisdiction.

Sacrosancta Romana ecclesia

The great shift regarding the relationship between episcopal jurisdiction and the Cistercians under Eugenius III did not manifest itself in a general change to the content of papal letters to Cistercian houses. It occurred instead in the letter *Sacrosancta Romana ecclesia* in which Eugenius III confirmed a version of the *Carta caritatis*. The *Carta caritatis* was the constitution of the Cistercian order, which laid out its centralizing systems. It recognized a structure of visitation, father abbots and general chapters. It left considerable room for the bishop who was to authorize the foundation and bless the abbot.²⁴ There is debate over which version of the *Carta caritatis* was confirmed by Eugenius, but it seems most likely that he confirmed the *Carta caritatis posterior*.²⁵ Assuming the text of *Sacrosancta Romana ecclesia* has been accurately transmitted, there can be little doubt that Eugenius confirmed a document which the Cistercians called the Charter of Charity on 1 August 1152.²⁶

In *Sacrosancta Romana ecclesia* the pope confirmed the whole of the Charter, making special mention of the annual general Chapter at Cîteaux. All abbots of the Order were meant to attend every year, the only exceptions

23 L. Lekai, *The White Monks* (Okauchee WI, 1953), 19.

24 Mahn, *L'ordre cistercien*, 131 and 152; Lemaitre, 'Exemption', 661.

25 Three different versions of the *Carta caritatis* have come down to us: the *Summa cartae caritatis*, the *Carta caritatis prior* and the *Carta caritatis posterior*. I do not wish to enter into the debate over which version of the *Carta caritatis* was confirmed by Eugenius. Constance Berman suggested that the date of composition of the *Carta caritatis posterior* should be moved forward to around 1175 (*The Cistercian Evolution*, 59), but Waddell's conclusion on the dating of the primitive documents of the Cistercian Order remains the better argument. He argues the *Carta caritatis posterior* was confirmed by Eugenius III in 1152 (*Narrative and Legislative Texts from Early Cîteaux*, ed. C. Waddell (Nuits-Saint-Georges, 1999), 13, a conclusion supported in respect of the *Carta caritatis posterior* by J.E. Sayers, 'The Judicial Activities of the General Chapters: I', *Journal of Ecclesiastical History*, 15 (1964), 19, 21, citing J. Turk.

26 JL 9600. Berman, *The Cistercian Evolution*, 89–91, has questioned the dating of this bull to Eugenius's reign, but *contra* see C. Waddell, 'The Myth of Cistercian Origins: C.H. Berman and the manuscript sources', *Cîteaux*, 51 (2000), 299–386.

being those too ill to travel, who must send an appropriate messenger to the Chapter, and those excused by distance.²⁷ This privilege thus recognized the existence of specific juridical and jurisdictional mechanisms within the Cistercian Order which would render episcopal oversight unnecessary. It is at this point, with *Sacrosancta Romana ecclesia*, that the historians of exemption see a major advance in the evolution of the Cistercian Order.²⁸

In the early 1150s the Curia recognized the existence of greater centralization of observance in the community of Cîteaux. Of the six Cistercian papal letters from Eugenius's pontificate dated after 1 August 1152, four refer to the monastic Order there established 'according to the rule of St Benedict and the observance of the brethren of Cîteaux'.²⁹ This clause occurs only in one letter before this date, namely in a letter of 1148.³⁰

Bernard of Clairvaux and the privileges relating to episcopal authority

The lack of development in Cistercian privileges before Eugenius can be put down to the philosophy of the Cistercians themselves. Bernard of Clairvaux, the most influential Cistercian of his day, summed up the opposition to the kind of privileges which were held by Cluny and many major Benedictine houses. He opposed monastic encroachment on episcopal rights and was critical of the subversion of episcopal rights through papal

27 'Ordinatum est etiam inter vos, ut omnes abbates de ordine vestro singulis annis ad generale capitulum Cisterciense, omni postposita occasione, conveniant: illis solis exceptis, quos a labore viae infirmitas corporis retardaverit. Qui tamen idoneum nuntium delegare debebunt, per quem necessitas remotionis illorum valent capitulo nuntiari. Et illis item exceptis, qui in remotioribus partibus habitantes, sine gravi et evidenti difficultate se nequiverint capitulo praesentare': *PL*, clxxx, 1541–3 no. 521, at 1542.

28 'Comme pour les ordres militaires, il faut distinguer pour les privilèges pontificaux octroyés aux Cisterciens le privilège commun concédé aux abbayes cisterciennes et le privilège *Sacrosancta Romana ecclesia* accordé à l'ordre cistercien. En ce qui concerne l'exemption, on trouve chez les Cisterciens, comme pour la formation de leur institutions, une véritable évolution.' Falkenstein, *La papauté*, 205.

29 'In primis siquidem statuentes, ut ordo monasticus, qui secundum beati Benedicti regulam et Cisterciensium fratrum obseruantiam illic auctore domino institutus esse dinoscitur, perpetuis ibidem temporibus inuiolabiliter obseruetur.' *PU Frankreich*, NS, iv, 166–8 no. 60, at 167. It is also contained in *PU Frankreich*, NS, iv, 170–1 no. 62, at 170, and *PU Frankreich*, NS, vii, 332–3 no. 72, at 332, and *Monumenta de Insula Manniae*, ed. J.R. Oliver, 3 vols (Douglas, 1830–62), ii, 8–12, at 9.

30 *PU Frankreich*, NS, i, 247–9 no. 58, at 248.

privileges, wanting the hierarchy of the Church to be maintained. In his *De consideratione*, which he composed for Eugenius, he said:

Abbots are freed from the jurisdiction of bishops, bishops from that of archbishops, archbishops from that of patriarchs or primates. Does this seem good? I wonder whether this practice can ever be excused. In doing this you demonstrate that you have the fullness of power, but perhaps not of justice. You do this because you have the power; but the question is whether you ought to do it. You have been appointed, not to deny, but to preserve the degrees of honour and the dignities and the ranks proper to each, as one of your predecessors [the apostle Paul] says, 'Render honour to whom honour is due' (Romans 13: 7).³¹

Bernard saw exemption as a mechanism that freed a monastery to be licentious. 'Why should a wandering and wrongly liberated throng not sin more freely, since there is no one to censure it?',³² he asked, stating also that

The same one [the apostle Paul] also says, 'Let everyone be subjected to higher powers' (Romans 13: 1). He does not say to 'higher power' as if in one person, but to 'higher powers' as if in many. Therefore yours is not the only power from God; there are intermediaries and lesser ones.³³

Such arguments explain why Bernard resisted the sort of privileges possessed by Cluny and the great Benedictine houses. Did the Cistercian pope heed his former abbot's voice? The answer must surely be yes. Bernard would not necessarily have objected to the system in *Sacrosancta Romana ecclesia*, as it did not leave the monastery without a superior who could discipline it, which was one of his major concerns regarding monasteries which gained

31 'Subtrahuntur abbates episcopis, episcopi archiepiscopis, archiepiscopi patriarchis sive primatibus. Bonane species haec? Mirum si excusari queat vel opus. Sic factitando probatis vos habere plenitudinem potestatis, sed iustitiae forte non ita. Facitis hoc, quia potestis; sed utrum et debeatis, quaestio est. Honorum ac dignitatum gradus et ordines quibusque suos servare positi estis, non invidere, ut quidam vestrorum ait: *cui honorem, honorem*': Bernard, 'De consideratione', 442 (iii.4.14); Bernard, *On Consideration*, 97–8.

32 'Quidni peccet licentius vagum et male liberum vulgus, cum non sit qui arguat?': Bernard, 'De consideratione', 443 (iii.4.16); Bernard, *On Consideration*, 99–100.

33 'Denique idem ait: *omnis anima potestatibus sublimioribus subdita sit*. Non sit: "sublimiori", tamquam in uno, sed *sublimioribus*, tamquam in multis. Non tua ergo sola potestas a Domino; sunt et mediocres, sunt et inferiores': Bernard, 'De consideratione', 444 (iii.4.17); Bernard, *On Consideration*, 101. Bernard also spoke of the importance of the bishop disciplining his flock (Bernard, 'De consideratione', 446–7 (iii.5.19); Bernard, *On Consideration*, 104–5).

exemption from episcopal jurisdiction. On the founding of a new monastery, the local bishop's permission first had to be sought to confirm that he would ratify the decrees of the Order which were in place to maintain discipline. This papal confirmation did not represent the removal of episcopal authority over the Cistercian Order, but it did mark the beginnings of a dramatic shift. Falkenstein argues that this set up a 'para-hierarchy' in the Order and practically excluded the bishops from dealing with the internal discipline of Cistercian houses.³⁴ The reduction of episcopal authority was inversely proportional to the increase in the functions of the General Chapter. The development of this 'para-hierarchy' was to become evident under Pope Alexander III (1159–81).³⁵

It is crucial to realize that the confirmation of the *Carta caritatis* in 1152 was not intended as an assault upon the authority of the episcopate. The role of the General Chapter, indeed, had not yet developed in a way that would infringe episcopal authority. Rights regarding the visitation of monasteries are no exception. Episcopal visitation was not common at this point.³⁶ Therefore this is not, as Jean-Berthold Mahn suggested a case of Bernard being ignored and the episcopate being replaced.³⁷ Instead it is in line with Bernard's desire for order and uniform observance. Only

34 Falkenstein, *La papauté*, 211. See also *ibid.*, 87, and Mahn, *L'ordre cistercien*, 133. Lemarignier draws the same link between exemption and the development of centralized structures and organization. However, he moves too quickly to see 'danger' and a move for exemption, J.-F. Lemarignier, 'L'exemption monastique et les origines de la réforme Grégorienne', in *À Cluny: Congrès scientifique*, ed. C. Oursel (Dijon, 1960), 322. He goes on to say that at Cluny it was the other way round. Exemption led to centralizing tendencies. G. Schreiber, *Kurie und Kloster im 12. Jahrhundert*, 2 vols (Amsterdam, 1965), i, 83–4, cites two major factors: first, the organization of the Order, and second, church politics and the schism.

35 Alexander III told William of the White Hands (Guillaume aux Blanches Mains), archbishop of Sens (1169–76) not to exercise disciplinary authority over the Cistercians in his diocese but to leave this to the father abbots and the General Chapter (Falkenstein, *La papauté*, 212–13). Alexander III granted full recognition to Cistercian abbots even if the local bishop refused them their benediction. He prevented bishops from using excommunication against Cistercian abbeys as a form of coercion. He dropped the clause 'saving the authority of the bishop' from letters to the houses of the Order, a significant step regarding exemption, as we saw earlier, Mahn, *L'ordre cistercien*, 137–8; for the clause about the bishop's authority see Pfurtscheller, *Die Privilegierung*, 63. The role of the General Chapter developed further in the 1180s. It was at that time that the General Chapter regularly disciplined offending abbots, J. Burton, 'The Monastic World', in *England and Europe in the Reign of Henry III (1216–1272)*, ed. B. Weiler and I. Rowlands (Aldershot, 2002), 127. The Cistercians were completely freed from episcopal excommunication by Lucius III (1181–5), see Mahn, *L'ordre cistercien*, 138, and Pfurtscheller, *Die Privilegierung*, 103–17.

36 C.R. Cheney, *Episcopal Visitation of Monasteries in the Thirteenth Century* (Manchester, 1983), ix, and D. Knowles, 'The Growth of Exemption', 425.

37 Mahn, *L'ordre cistercien*, 135.

later, as the role of the General Chapter developed, was episcopal authority increasingly reduced.

Variation and Additional Clauses

In total only six of the thirty-five letters in my corpus (or 17 per cent) had any additional clauses beyond those regarding tithes and the confirmation of the possessions of the monastery.³⁸ This seems to demonstrate uniformity more than anything else. Most of the letters with additional clauses were sent to English Cistercian houses. Of the nine surviving letters to English houses, four have additional clauses, three of them dealing with interdicts. In contrast, of the twenty-six surviving letters sent by Eugenius to continental Cistercian houses, only two had additional clauses.³⁹ This means that almost half of the extant letters to English houses had additional clauses while less than ten per cent of the extant letters to continental houses have such clauses. Such differences could be explained by random survival or, more likely, because England was in a unique position.⁴⁰

The rights granted in these additional clauses dealt with joining or leaving the monastery, violence against the monastery, and interdicts. The right to admit new recruits appears twice in the surviving letters.⁴¹ The abbey is given unrestricted authority to admit freemen to the monastery as they see fit. No one was to gainsay the abbot's decision. The only qualification was that the man entering the monastery should be freeborn and without

38 This becomes 11 letters (31%) if one includes the letters mentioning Cistercian observance.

39 One with a clause about unauthorized departures from the monastery, see *PU Frankreich*, NS, i, 232–3 no. 45; the other with a clause threatening those who attack the monastery in any way, *PU Frankreich*, NS, vii, 310–12 no. 58.

40 Another possibility is that the variants could be the result of later interpolations. However, this seems very unlikely. Although the English examples exist in cartulary copies only, there is no good reason to suspect forgery, especially since the prohibition of episcopal or archiepiscopal excommunication or interdict is modified in all cases by the addition of the clause 'unless the abbot and brethren give manifest and evident cause'. Indeed every single letter with an additional clause also includes the statement 'saving the authority of the pope and the diocesan bishop', a clause one would not expect in a forgery.

41 'Siqua vero libera et absoluta persona pro redemptione anime sue vestro monasterio se conferre voluerit, suscipiendi eam liberam facultatem habeatis (you are to have the power to receive any free and independent person who wishes to give himself to your monastery for the redemption of his soul)', *PU England*, i, 451–3 no. 182. Papal letters dated after 1172 include a similar statement: 'Liceat quoque vobis clericos vel laicos e seculo fugientes liberos et absolutos ad conversionem recipere et eos in vestro monasterio absque contradictione alicuius retinere': *PU England*, i, 384–5 no. 115, 409–11 no. 139, 419–20 no. 148, and *PU England*, iii, 328–9 no. 192.

obligation. No sources that I have uncovered reveal an external attempt to prevent an individual entering a Cistercian house.

The restriction on superiors of other religious houses receiving Cistercian monks or *conversi* without the abbot's permission, after they have made profession, appears five times.⁴² Such clauses had been granted to Cistercians before the pontificate of Eugenius III. The earliest surviving mention occurs in a privilege for Fountains in 1141.⁴³ This can be interpreted as a particular application of the first chapter of the Rule of St Benedict, which condemned *gyrovagi*, monks who wandered, rather than being committed to a community.⁴⁴ *Stabilitas loci* was a particular characteristic of Benedictine monasticism, and the Rule gave specific regulations for necessary travel outside the monastery. Monks could travel only if sent by a superior to a specific place for a particular purpose. If monks or *conversi* acted otherwise, they were deemed to be 'wandering' or, worse, to have run away.⁴⁵ Moreover, the Rule (c.61) also forbade abbots to receive monks from another monastery: 'But let the Abbot take care never to receive a monk from any known monastery, without his own Abbot's consent, and letters of recommendation; as it is written: "What thou wilt not have done to thyself, do not thou to another."⁴⁶ Although the same point is made in *Carta caritatis posterior*, rule 27: 'no abbot may retain the monk of any abbot whomsoever of our Order without his consent'.⁴⁷ An undated letter from Bernard of Clairvaux to his close friend, William of Saint Thierry (c.1085–c.1148) stated unequivocally, 'As for that fugitive monk, after I had given him a harsh scolding suited to his hard heart I could do nothing else than send him back whence he came, for our customs forbid me to keep any monk here without the consent of his abbot'.⁴⁸

A clause decreeing that anyone committing violence within the confines of the monastery or its granges should be struck with excommunication

42 'Addentes autem auctoritate apostolica interdicimus, ne quis fratres vestros clericos sive laicos post factam in vestro monasterio professionem absque licentia vestra suscipere audeat vel retinere.' *PU England*, i, 310–12 no. 63.

43 *Memorials ... Fountains*, ii, 63.

44 *The Rule of Saint Benedict*, ed. and trans. J. McCann (London, 1952; variously repr.), c.1.

45 I. Wei, 'Scholars and Travel in the Twelfth and Thirteenth Centuries', in *Freedom of Movement in the Middle Ages*, ed. P. Horden (Donington, 2007), 74–5. Running away was considered a serious offence, which could be punished by imprisonment within the monastery, F. Donald Logan, *Runaway Religious in Medieval England, c.1240–1540* (Cambridge, 2002), 152.

46 *Rule of Saint Benedict*, c.61.

47 *Narrative and legislative texts*, 503, section 40.

48 Bernard, 'Epistolae', 223–4 no. 86, at 223; translated in Bernard, *Letters*, 127–8 no. 88. See also Bernard, 'Epistolae', 159–61 no. 65.

appears four times,⁴⁹ always justified by the need to protect the peace and tranquillity of the brethren.⁵⁰ The clause was rare in letters to English Cistercian houses before 1155, but appeared regularly up to 1181. The clause is very similar to the one in *Sacrosancta Romana ecclesia*. In this instance some houses tried to legislate against the problem by having clauses dealing with it inserted into their privileges, and the Order as a whole adopted it later. With this adoption in *Sacrosancta Romana ecclesia* the presence of the privilege became much more common.

Finally, interdict is mentioned three times in the English letters. The abbeys at Fountains and Wardon received this privilege before the pontificate of Eugenius III according to the surviving letters.⁵¹ Eugenius confirmed those two privileges and also granted the right to the abbey at Thame, apparently granting them this privilege for the first time in 1146.⁵² The clause reads, 'We decree that no archbishop or bishop or anyone of any order shall interdict your place, but you are permitted to celebrate divine offices at all times, with doors closed and excommunicates excluded, unless the guilt of the abbot or brothers of the same place is evident and clear.'⁵³

The privilege goes beyond the statement that Cistercian houses can simply continue divine services during a common interdict, which was granted to the Order in *Sacrosancta Romana ecclesia*,⁵⁴ in that it excludes all members of the local hierarchy, but the exception, 'unless the guilt of the

49 'Paci quoque et tranquillitati vestre paterna sollicitudine providentes auctoritate apostolica prohibemus, ut nullus infra clausuram locorum siue grangiarum uestrarum uiolentiam uel rapinam uel furtum facere uel hominem capere audeat, et si quis hoc temerario ausu presumpserit, tanquam sacrilegus iudicetur et excommunicationis ultione plectatur': *PU England*, iii, 178–9 no. 53, for Thame (1146). The remaining three are for Wardon (1145 × 1153), *ibid.*, 220–1 no. 88; Fountains (1146), *Memorials ... Fountains*, ii, 68; and Beaupré (1148), *PU Frankreich*, NS, vii, 310–12 no. 58.

50 This is an example of 'a iure' excommunication, where an ecclesiastical decree included a clause excommunicating all the violators of the decree, F. Donald Logan, *Excommunication and the Secular Arm in Medieval England*, (Toronto, 1968), 58.

51 Wardon between 1135 and 1143. *PU England*, iii, 163–4 no. 41. Fountains in 1141, *Memorials ... Fountains*, ii, 66.

52 *PU England*, iii, 178–9 no. 53 and 220–1 no. 88, and *Memorials ... Fountains*, ii, 68. Thame was founded in 1140 and had a privilege from 1141.

53 'Sancimus etiam, ne quis archiepiscopus vel episcopus sive cuiuslibet ordinis locum vestrum a divinis interdicat officiis, sed liceat vobis omni tempore clausis ianuis et exclusis excommunicatis divina officia celebrare, nisi abbatis vel fratrum ipsius loci evidens et manifesta culpa extiterit': *PU England*, iii, 163–4 no. 41; 220–1 no. 88.

54 'Sancientes etiam, ut propter communia interdicta terrarum, nulla ecclesiarum uestrarum a divinis compellatur officiis abstinere, sed liceat omnibus de ordine vestro, excommunicatis et interdictis eiectis, clausis ianuis, submissa voce fratribus suis divina celebrare solemnia': *PL*, clxxx, 1541–3 no. 521, at 1543.

abbot or brothers is clear', is highly significant, since external ecclesiastical authority is not excluded. Rather, the archbishop/bishop/prelate would have to show just cause. If the cause was unjust, an appeal to the papacy would have seen the censure lifted. On the other hand, there is no reference to the bishop imposing excommunication, the maximum punishment he could impose. Such a privilege was rare at that point. It was not present in any surviving letter to continental Cistercians, but it was included in the privileges for three of the eight English houses whose records survive. The reason for its grant may lie in local circumstances. Eugenius III placed England under interdict in 1148, after King Stephen (1135–54) had seized the lands of Canterbury and refused to allow Archbishop Theobald to return to his diocese after he had attended the Council of Reims (1148) without the king's permission. But only one of the letters including the clause can be dated after the interdict was promulgated in 1148, and even this dating is not secure.⁵⁵ Specific instances may have arisen for Wardon, Thame, and Fountains which led them to seek this exemption. Perhaps an episcopal interdict was imposed that has gone unrecorded. Alternatively a specific situation may have led the first house which gained the privilege to request it, and that initiative was then followed by the other two. Just such a situation might be found in the events that surrounded the disputed election to the see of York after the death of Archbishop Thurstan in 1140. The abbot of Fountains was involved in opposition to the election of William Fitzherbert, which took place in January 1141.⁵⁶ It is certainly possible that the abbot of Fountains acquired the privilege in anticipation of retaliation from William.⁵⁷

If the exemption did not result from the interdict during Stephen's reign, was the clause used during that interdict? Two pieces of evidence provide ambiguous clues. In his *Historia pontificalis*, composed around 1163, John of Salisbury (c.1115–80) noted that only the clergy in the archbishopric of Canterbury observed the interdict.⁵⁸ That might imply that those in the archdiocese of York disobeyed the interdict. John does note that the exception in the archdiocese of Canterbury was St Augustine's, where the monks still presumed to celebrate Mass. He comments, 'Such disobedience however was not allowed to pass unpunished.' John's failure to mention that

55 P. Seaby, 'King Stephen and the Interdict of 1148', *British Numismatic Journal*, 50 (1980), 58.

56 J. Burton, *The Monastic Order in Yorkshire, 1069–1215* (Cambridge, 1999), 113–14; see also E. Jamroziak, 'The Cistercians, Pope Eugenius III, and the Disputed York Election', above, Ch. 3.

57 This suggestion was made to me by Professor Janet Burton in personal correspondence.

58 JS *HistPont*, 46.

Cistercians did not observe the interdict suggests that English Cistercians did not generally have the right to celebrate Mass during an interdict at this point. John may however have been unaware of what happened at Thame and Wardon. The other piece of evidence is from York. Archbishop Henry Murdac, a former abbot of Fountains, placed the city of York under interdict in 1148, and it remained so until 1150.⁵⁹ When Count Eustace (c.1130–53), King Stephen's son, realized that the clergy of the city were observing the interdict, he demanded that they celebrate Mass as usual.⁶⁰ If similar secular pressure had been applied under Eugenius's interdict it is possible that Thame, Wardon, and Fountains could have used their privileges to allow them to comply. The evidence, however, is inconclusive.

All three clauses discussed here can be related to *Sacrosancta Romana ecclesia*. The clause about leaving the monastery is in line with a clause in the *Carta caritatis posterior* and was Cistercian custom before 1152. The other two clauses – regarding violence and interdict – appear to have influenced the content of *Sacrosancta Romana ecclesia*. Individual houses had felt the need for such clauses and related clauses were later adopted by the entire Cistercian Order. If this were so, the general adoption of such clauses demonstrates something of the process of evolution within the order.

Conclusion

Under the first Cistercian pope there were no major advances in the privileges to individual Cistercian houses. This is not surprising, given Bernard's attitude to monastic privileges, which the Order and Eugenius appear to have followed. What seems to have marked the privileges given by Eugenius to Cistercian houses on the continent as well as in England was uniformity. Most houses obtained the same privilege, which confirmed their possessions, granted them their own tithes, and made it clear that they were under the authority of the bishop. Those clauses which are rare seem to demonstrate developments in Cistercian practice which were to become uniform as the order dramatically evolved with *Sacrosancta Romana ecclesia*. That privilege, granted by Eugenius, represented a significant leap

59 William of Newburgh, *History of English Affairs*, I, 17, ed. and trans. P.G. Walsh and M.J. Kennedy (Warminster, 1986), 82.

60 Seaby, 'King Stephen', 60. Pressure was also placed upon the Church to break the interdict under John: *Interdict Documents*, ed. P.M. Barnes and W.R. Powell, Publications of the Pipe Roll Society, new series, 34, (London, 1960), 6–7.

forward in terms of Cistercian centralization. This leap forward did not make significant inroads into episcopal power at the time but it did sound the first chime of what would prove to be its death knell. Eugenius here may be said to have played the part of the blind watchmaker, unaware of the future impact his privilege would have upon episcopal authority as the Order evolved.

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12. Eugenius III at Cîteaux, 1147

Clare Oglesby

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Abstract

In September 1147, Eugenius III attended the annual General Chapter meeting of the Cistercian Order at Cîteaux, ‘not only presiding as pope but staying in fraternal love amongst the brothers, as if he was one of them’. This paper investigates what is known of the papal visit and examines the implications for the founders of three religious houses, seeking incorporation into the Order. While Stephen of Obazine and Vitalis of Savigny, together with their followers, were welcomed into the Cistercian family, with ‘Eugenius himself intervening’, the third, Gilbert of Sempringham, was sent away, disconsolate. Yet Gilbert and Bernard of Clairvaux drew up the Gilbertine Rule between 1147 and 1148 and Eugenius himself instituted Gilbert as head of his community.

Keywords: General Chapter; Savigny; Obazine; Gilbertine Rule; Sempringham; incorporation; women

By the mid-twelfth century, the Cistercians had, albeit often reluctantly, begun to assimilate a considerable number of diverse eremitical and semi-eremitical groups into their growing ranks.¹ At precisely the moment when Eugenius III (1145–53), himself a Cistercian, returned to the Order’s mother house in September 1147 to be received with honour, the presence there of three religious who represented a second wave of would-be recruits, pointed to ‘the coalescence around Cîteaux of a remarkably variegated

¹ H. Leyser, *Hermits and the New Monasticism: a study of religious communities in Western Europe, 1000–1150* (London, 1984), 34–5. I wish to thank Dr Henrietta Leyser for introducing me to this subject and Professor Christopher Holdsworth for his helpful suggestions.

movement of monastic reform, involving numerous independent houses'.² Attended by more than three hundred abbots from within the Cistercian family, presided over by Raynard of Cîteaux (1134–50)³ and accompanied by the charismatic figure of Bernard of Clairvaux (1113–53),⁴ the occasion has been described as one of the most important ecclesiastical gatherings of the century.⁵ Meanwhile, waiting at the gates of Cîteaux, metaphorically at least, were those who sought incorporation or affiliation for their religious foundations. Stephen of Obazine (c.1085–1154), a cleric from the Bas-Limousin region, had come on behalf of the eponymous male community which he directed between 1130 and 1147, together with its two daughter houses of Bonnaigue and Le Pestre and a further settlement of female followers at Coyroux.⁶ Likewise present was Serlo of Vaubadon, third abbot of Savigny (1140–53),⁷ supported by Osmund of Beaubec (1127?–56), abbot of the senior male house of the Savigniac family.⁸ Last but not least, Gilbert of Sempringham (c.1089–1189),⁹ a priest from an Anglo-Norman

2 F.R. Swietek, 'The Role of Bernard of Clairvaux in the Union of Savigny with Cîteaux: a reconsideration', in *Bernardus Magister*, ed. J.R. Sommerfeldt, Papers presented at the Nonacentenary Celebration of the Birth of Saint Bernard of Clairvaux (Kalamazoo MI, 1992), Cistercian Studies Series 135, 289–302, at 289. This volume doubles as *Cîteaux: Commentarii Cistercienses*, 42 (1991). See also Leyser, *Hermits*, 113–17 for a list of incorporations.

3 Raynard de Bar, monk of Clairvaux and fifth abbot of Cîteaux. *Statuta Capitulum Generalium Ordinis Cisterciensis 1116–1220*, ed. J.M. Canivez, 8 vols (Louvain, 1933–41), i, 38: 'Tunc ille domnum Raynardum venire ad se mandatum'. Confirmed also in *Vita Stephani Obazinensis*, ed. and trans. M. Aubrun, Publications de l'Institut d'Études du Massif Central, 6 (Clermont-Ferrand, 1970), 111.

4 For the most recent bibliography on Bernard see E. Jamrozak, *The Cistercian Order in Medieval Europe 1090–1500* (London, 2013), 28–42 and C. Holdsworth, 'Bernard of Clairvaux: his first and greatest miracle was himself', in *The Cambridge Companion to the Cistercian Order*, ed. M.B. Bruun (Cambridge, 2013), 173–85, and 283–99.

5 B. Golding, 'Hermits, Monks and Women in Twelfth-Century France and England: the experience of Obazine and Sempringham', in *Monastic Studies: the continuity of tradition*, i, ed. J. Loades (Bangor, 1990), 127–45, at 127.

6 *Vita Stephani Obazinensis*, 94–111 (ii.1–11); Golding, 'Hermits, Monks and Women', 131–2.

7 Died 1158. F.R. Swietek, 'Savigny', *Dizionario degli Istituti di Perfezione*, 8 (Rome, 1988), 991–4; M. Standaert, 'Serlon de Savigny', *Dictionnaire de Spiritualité, Ascétique et Mystique*, 14 (Paris, 1990), 661–6.

8 E. Martène and U. Durand, *Veterum scriptorum et monumentorum ... amplissima collectio*, 9 vols (Paris, 1724–33), i, 807; *PL*, clxxx, 1282 no. 227; *JL*, ii, 48; C. Holdsworth, 'The Affiliation of Savigny', in *Truth as Gift: studies in medieval Cistercian history in honor of John R. Sommerfeldt*, ed. M.L. Dutton, D.M. La Corte, and P. Lockey, Cistercian Studies Series, 204 (Kalamazoo, MI, 2004), 43–88, at 43–7 and at 51–2 for Osmund of Beaubec.

9 Canonized 1202. *The Book of St Gilbert*, ed. and trans. R. Foreville and G. Keir, OMT (Oxford, 1987), xv–xix; B. Golding, *Gilbert of Sempringham and the Gilbertine Order c.1130–c.1300* (Oxford, 1995), 26–9; idem, 'Hermits, Monks and Women', 133–9.

family belonging to the lesser nobility, who had studied in Normandy before joining the household of Alexander, bishop of Lincoln (1123–48),¹⁰ journeyed from far-off Lincolnshire in an attempt to relinquish responsibility for those female communities which he had established between 1131 and 1139 at Sempringham and Haverholme. While tradition holds that in September 1147, Stephen and Serlo, together with their followers, were welcomed into the Cistercian family, largely at the instigation of Bernard of Clairvaux, but with ‘Eugenius himself intervening’,¹¹ Gilbert was rejected and sent away disconsolate.¹²

But what if events did not occur in quite the way that this traditional version suggests? Over the past sixty years, several important debates over the documents of Cistercian history have arisen to challenge the traditional perception of the movement’s early chronology and even today still remain a lively source of disagreement. In conformity with J.-A. Lefèvre’s suggestion that the Cistercians composed their narrative documents long after the actual foundation of Cîteaux in order to disguise its unauthorized beginnings,¹³ Constance Hoffman Berman has recently raised the issue to a new level by disputing the validity of narrative and legislative texts alike, reasserting and moving even beyond Lefèvre’s position.¹⁴ Convinced that there was no such institution as an Order of Cîteaux as early as 1147, she argues that affiliations could not have been made to it at this date and cites the lack of contemporary evidence to bolster her claim that the annual General Chapter of abbots with the power to legislate and settle internal disputes did not come into existence until the 1160s. Thus, she suggests that any papal letters purporting to have been issued from Cîteaux in 1147 on behalf of Obazine and Savigny must, by definition, be copies and forgeries, in other words, nothing less than a deliberate fiction on the part of the Order.¹⁵ For Berman, therefore, the suggestion that any chapter had the power to take far-reaching decisions before the 1160s becomes ‘part of the official mythology ... of the miraculous growth of the Cistercian Order’.¹⁶

10 A.G. Dyson, ‘The Monastic Patronage of Bishop Alexander of Lincoln’, *Journal of Ecclesiastical History*, 26 (1975), 1–24, at 23–4.

11 Canivez, *Statuta*, i, 38; *Book of St Gilbert*, xl–xlii.

12 *Book of St Gilbert*, xxi.

13 J.-A. Lefèvre, ‘La véritable *carta caritatis primitiva* et son évolution: le vrai récit primitive des origines cisterciennes est-il “*Exordium Parvum*”’, *Le Moyen Âge*, 61 (1955), 79–120, 329–60; idem, ‘Que savons-nous du Cîteaux primitif’, *Revue d’histoire ecclésiastique*, 51 (1956), 4–51.

14 C.H. Berman, *The Cistercian Evolution: the invention of a religious Order in twelfth-century Europe* (Philadelphia, 2000), 42–92, 151–60.

15 Berman, *Cistercian Evolution*, 142–8, at 143–4.

16 *Ibid.*, 143.

While she does not deny that Savigny was eventually affiliated to the Cistercian Order, Berman considers that this move occurred at least a decade after 1147 – probably in the late 1150s – while the affiliation of Obazine took place just before 1165. Furthermore, she argues that the only contemporary record to show that Eugenius was present at a chapter meeting in September 1147 comes from *The Book of St Gilbert*, written c.1202, some fifty years later.¹⁷ While Berman's re-dating of the Cistercian documents would have proved less controversial had she not made the issue of forgeries so central to her argument,¹⁸ she is correct that scholars ought to be wary of reading later characteristics back onto earlier organizations.¹⁹ Needless to say, on the other side of the argument, Holdsworth remains insistent that there 'can be no good ground for doubting that there was a meeting of the Chapter of the Order in 1147, rather than merely a regular gathering of the community of Cîteaux itself, and that the pope was then present'.²⁰

Clearly Stephen, Serlo, and Gilbert, the three would-be affiliates, came together in a meeting – but precisely what status did such a meeting enjoy? It was probably an informal gathering held at Cîteaux which involved abbots from other Cistercian houses.²¹ A second version of Stephen Harding's *Summa carta caritatis*, which dates to the abbacy of Raynard and the later years of Bernard of Clairvaux in the mid-1140s, describes one such meeting at Cîteaux as a *capitulum*²² while Peter the Venerable, in a letter addressed to Bernard, refers to a similar grouping as a *conventus*.²³ It may well be that such gatherings of abbots were held in order to enforce a uniform observance of customs by visitation and to enact legislation through *statuta* but, until

17 *Book of St Gilbert*, xi–xlII, 40–3; Berman, *Cistercian Evolution*, 143–6.

18 Berman, *Cistercian Evolution*, 151–60. See also C. Waddell, 'The Myth of Cistercian Origins: C.H. Berman and the manuscript sources', *Cîteaux: Commentarii Cistercienses*, 51 (2000), 299–386.

19 B.P. McGuire, 'Charity and Unanimity: the invention of the Cistercian Order – a review article', *Cîteaux: Commentarii Cistercienses*, 51 (2000), 285–97; M. Newman, review of Berman, *The Cistercian Evolution*, in *The Catholic Historical Review*, 87 (2001), 315–16.

20 Holdsworth, 'The Affiliation of Savigny', 49–50.

21 What follows here depends on M. Newman, 'Text and Authority in the Formation of the Cistercian Order: reassessing the Cistercian reform', in *Reforming the Church before Modernity: patterns, problems and approaches*, ed. C.M. Bellito and L. Hamilton (Aldershot, 2005), 173–98, at 176–9; eadem, 'Foundation and Twelfth Century', in *Cambridge Companion*, 25–37, at 27–9 and E. Jamroziak, 'Centres and Peripheries', in *Cambridge Companion*, 65–79, at 69–73.

22 'Summa carta caritatis' in *Narrative and Legislative Texts from Early Cîteaux: Latin text in dual edition with English translation and notes*, ed. C.S. Waddell, *Commentarii Cistercienses* (Cîteaux, 1999), 183–4.

23 *The Letters of Peter the Venerable*, ed. G. Constable, 2 vols (Cambridge MA, 1967), i, 363–6, at 366 no. 149: 'ut in hoc tanto sanctorum virorum qui Cistercii conuenerunt, conventu, mei utique vestre memoriam faciatis'.

at least the 1150s and probably much later, they were neither regular nor formalized as *capitula* or chapters and certainly not as General Chapters. But this by no means precludes the likelihood that these extraordinary incorporations did indeed take place either at or following a regular general meeting of abbots, which Bernard would have called a *capitulum* and over which, in 1147, Eugenius III presided.

For this reason, it is important to outline the various ongoing debates with all their implications for the supposed events of that year. Recent, and not-so-recent historiography, both Cistercian and non-Cistercian, has questioned established views on the precise organization, validity, and dating of the Order's early legislation, particularly in respect of the annual General Chapter meeting.²⁴ As Emilia Jamroziak argues, we can no longer take it for granted that the original texts reflect a simple chronological development of this particularly Cistercian institution.²⁵ It was, however, Jean-Baptiste Auberger²⁶ who, by amalgamating texts from different periods, first demonstrated that Joseph Canivez's construction of a whole series of statutes from 1132 onwards, based on the legislative decisions of a fully functioning General Chapter, was an invention or at least a partial reorganization.²⁷ Subsequently, Chrysogonus Waddell's meticulous edition of the early narrative texts and records of the General Chapter has pointed conclusively to the arbitrary and problematic nature of Canivez's dating.²⁸ Indeed, Waddell, whose study of the surviving *statuta* was based on a far greater number of manuscripts than were available to Canivez, now suggests that the earliest identifiable records should be dated to the period between 1157 and 1161.²⁹

In response to Berman's comprehensive refutation of a General Chapter in existence as early as 1147, Janet Burton counters with evidence from the *Historia foundationis* which was composed a full half century later, in 1197, by Philip, third abbot of Byland (1196–9), and of which Berman had no knowledge.³⁰ Philip's aim was to record for posterity the foundation

24 Lefèvre, 'La véritable *carta caritatis* primitive et son évolution', 79–120, 329–60.

25 Jamroziak, *Cistercian Order*, 19–24.

26 J.-B. Auberger, *L'unanimité cistercienne primitive: mythe ou réalité?*, Cîteaux: Commentarii Cistercienses: Studia et Documenta, 3 (Achel, 1986).

27 Canivez, *Statuta*, i, 12–72.

28 *The Twelfth-Century Statutes from the Cistercian General Chapter: Latin text with English notes and commentary*, ed. C.S. Waddell, Cîteaux: Commentarii Cistercienses: Studia et Documenta, 12 (Brecht, 2002), 37–43.

29 *Twelfth-Century Statutes*, 65–75.

30 Burton, *Foundation History*, xxv–xxvii.

history of the Savigniac houses of Byland and Jervaulx and while he relied to a great extent on the recollections of Roger (1142–96), whose abbacy had covered a period of 54 years, he also supplements his elderly predecessor's memories with charter evidence.³¹ The *Historia foundationis* refers not only to the incorporation of Savigny but also to a Cistercian General Chapter in full operational order in 1147.³² Furthermore, only three or four years after Philip produced his *Historia*, the anonymous author of *The Book of St Gilbert*, writing c.1202, records quite independently that Gilbert had attended the *capitulum* at Cîteaux specifically to implore Eugenius to care for the Gilbertine sisters.³³ That Philip and the author of *The Book of St Gilbert*, writing within three or four years of each other but with no known contacts between them, should both have chosen 1147 as the date of the merger at a meeting of the *capitulum* certainly requires a credible explanation.³⁴ It is perhaps no coincidence that the first formal codification of the statutes of the Cistercian General Chapter was promulgated in 1202,³⁵ by which time the redrafted origins and identities which had been created half a century before by a highly influential group of Cistercian historical writers had become profoundly embedded in all three traditions – Obazinian, Savigniac, and Gilbertine.³⁶

Two further sources remain to be considered. The first, a mandate from Eugenius III, issued from the abbey of Saint-Seine, to the north-west of Dijon and dated 19 September 1147, confirms the surrender of all the houses of the Congregation of Savigny to Bernard as abbot of Clairvaux.³⁷ The status of this document has been doubted, since no original text has yet been discovered.³⁸ Secondly, Geoffrey of Auxerre, secretary to St Bernard between c.1140 and 1153 and one of three authors of the *Vita prima*, writing between 1155 and 1156,³⁹ reports that 'in that year, with all the abbots meeting together as was customary (*iuxta morem*) at Cîteaux, the aforesaid

31 Burton, *Foundation History*, x–xii.

32 'Evoluto primo die capituli generali', Burton, *Foundation History*, xxvii, 41.

33 'Tunc adiit capitulum Cisterciense', *Book of St Gilbert*, xi–xlii, 40–1; Golding, *Gilbert of Sempringham*, 26–8.

34 Burton, *Foundation History*, xvi–xxvii, 41.

35 *La codification cistercienne de 1202 et son evolution ultérieure*, ed. B. Lucet (Rome, 1964).

36 A. Gransden, *Historical Writing in England c.550 to c.1307* (London, 1974), 290–3.

37 Holdsworth, 'The Affiliation of Savigny', 49–52.

38 Martène and Durand, *Veterum scriptorum et monumentorum*, i, 807; *PL*, clxxx, 1282 no. 227; *JL*, ii, 48.

39 Geoffrey's portion of the biography, covering the decade from 1143–53, was probably completed by 1155–6. Geoffrey of Auxerre, *S. Bernardi vita prima*, iii–vi, *PL* clxxxv, 301–68, 395–416; C. Holdsworth, 'Saint Bernard: what kind of saint?', in *Monastic Studies*, i, ed. J. Loades, 86–101;

venerable father was present, not presiding with apostolic authority but seating himself amongst them, as one of them, in brotherly love',⁴⁰ adding the small domestic detail that Eugenius had actually slept in a cell there.⁴¹ Geoffrey, however, fails to include any mention of the complex business matters which must have been undertaken by this meeting. Instead, he describes how, on the same evening, Bernard had performed a miracle by healing a deaf child. Holdsworth explains the omission by suggesting that Geoffrey was avoiding any discussion of the severe problems which, by the mid-1150s, were certainly beginning to appear as a result of the affiliation of an increasing number of houses.⁴²

In spite of Berman's doubts, the whereabouts of Eugenius III between March 1147 and April 1148 may be accurately attested from surviving records.⁴³ In January 1147, the pope left Viterbo where he had spent the previous nine months in exile from Rome, and by early April was travelling along the Via Francigena to Lucca, Pontremoli and Vercelli, by way of Piedmont into Burgundy, thence to Lyon, Cîteaux, and ultimately the kingdom of France.⁴⁴ Throughout this period, his intentions, to advance the preaching of the Second Crusade, to hold an ecclesiastical synod at Paris, a council at Reims, and possibly to travel even further afield to Trier, were dominated by the hope of securing support against the hostile Roman Senate, which had been in revolt since 1143.⁴⁵ From his itinerary, it is certain that the papal caravan left Auxerre in time to arrive at Cîteaux for the Feast of Holy Cross where Eugenius took part in a regular *capitulum* or assembly of abbots. Although lacking the strict legislative powers of later General Chapters, nevertheless this *capitulum* confirmed or facilitated the affiliation of a number of religious houses on a hitherto quite unprecedented

A.H. Bredero, *Études sur la 'Vita Prima' de Saint Bernard* (Rome, 1960), 49; A.H. Bredero, *Bernard of Clairvaux: between cult and history* (Edinburgh, 1996), 40.

40 Geoffrey of Auxerre, *Vita prima*, iv, 7.40, *PL* clxxxv, 344: 'Igitur, eodem anno apud Cistercium iuxta morem, abbatibus congregatis, praedictus papa venerabilis adfuit, non tam auctoritate apostolica praesidens, quam fraterna charitate residens inter eos, quasi unus ex eis'; Canivez, *Statuta*, 37; Newman, *Boundaries of Charity*, 152.

41 Geoffrey of Auxerre, *Vita prima*, iv, 7, 40, *PL* clxxxv, 344: 'ubi cum ad cellulam, in qua jacebat, facto vespere et conventu soluto'.

42 Holdsworth, 'The Affiliation of Savigny', 49.

43 See Anne J. Duggan, 'The Benefits of Exile', above, Ch. 6.

44 *JL*, ii, 38–9.

45 R.L. Benson, 'Political *renovatio*: two models from Roman antiquity', in *Renaissance and Renewal in the Twelfth Century*, ed. R.L. Benson and G. Constable with C.D. Lanham (Oxford, 1982), 339–86, at 340–59; B.D. Hill, *English Cistercian Monasteries and their Patrons in the Twelfth Century* (Urbana IL, 1968), 104 n. 66. John Doran, 'Eugenius III and the Roman Commune', above, Ch. 9.

scale. In common with other 'founding myths' in their early history, the events of 1147, unfolding in the presence of the Order's first pope, became an important part of Cistercian identity for succeeding generations of monks who had not themselves been eyewitnesses.

While Cistercians continued to be sent out to found new settlements in a process of 'apostolic gestation',⁴⁶ it is now generally accepted that incorporations of existing communities not only took place more frequently but were also of considerably more importance at this period than previously thought.⁴⁷ The representatives of Obazine, Savigny, and Sempringham, from differing social and educational backgrounds, were all searching in one way or another for an ideal rule and had arrived at the same conclusion – namely to gain affiliation to Cîteaux. While Bernard's influence has nearly always received special attention, this chapter seeks instead to focus on the hitherto largely neglected role of Eugenius III in the two incorporations which succeeded as well as in the one that failed.

A natural development among evolving eremitical communities was their desire for the security of a more 'established' order and, as Leyser concludes, several earlier such precedents already existed.⁴⁸ Between 1114 and 1115, Géraud de Salles, a disciple of Robert of Arbrissel, had founded two communities of hermits, the first at Dalon in the Limousin⁴⁹ and the second at Cadouin in Perigord, the latter which claimed affiliation to Cîteaux in 1119.⁵⁰ Stephen of Obazine's foundation in the valley of the Corrèze in the Bas-Limousin followed in c.1120⁵¹ and Cherlieu, established at the same time by an unknown hermit in the region of Besançon, joined the Cistercians in 1131.⁵² Communities from all over Christendom were beginning to be attracted to them⁵³ and if, in terms of affective spirituality, their original energy might have waned somewhat over time, this was balanced by a dramatic heightening in reputation, in large part as a response to the undoubted dynamism and personality of St Bernard.⁵⁴ Thus it was that Clairvaux rather than Cîteaux became 'primarily responsible for transforming a small fervent

46 Berman, *The Cistercian Evolution*, 143; J. Burton, *The Foundation History of the Abbeys of Byland and Jervaulx*, Borthwick Studies and Texts, 35 (York, 2006), xxi.

47 Berman, *The Cistercian Evolution*, 94–6.

48 Leyser, *Hermits*, 113–18.

49 *Vita Stephani Obazinensis*, Introduction, 7–8; J.M. Sardou, *La Vita du B. Géraud de Sales* (Poitiers, 1963).

50 Berman, *The Cistercian Evolution*, 94–6.

51 *Vita Stephani Obazinensis*, Introduction, 7.

52 Leyser, *Hermits*, 35, 102.

53 Jamrozak, *Cistercian Order*, 69–77.

54 D. Knowles, *The Monastic Order in England* (Cambridge, 1963), 223.

centre of reform into a way of salvation'.⁵⁵ A range of religious groups were drawn in to the Cistercian family which was compared to an 'ark containing every living thing, a net containing every kind of fish'.⁵⁶ The representatives of Obazine, Savigny, and Sempringham wanted the security of just such a flourishing order for their own communities but each sought incorporation for different reasons.

The close proximity of Stephen of Obazine's anonymous biographer to his subject makes his *vita* of the hermit a genuinely personal and informative work.⁵⁷ He composed Book I around 1166, only five years after Stephen's death, and completed Books II and III by 1180. Like Stephen himself, the biographer came from the lesser nobility and, together with his whole family, had originally sought entry to Obazine to escape the factional struggles that were making La Chaise Dieu uncomfortable.⁵⁸ On Stephen's advice, he took the habit at Cîteaux sometime between 1134 and 1150 during the abbacy of Raynard de Bar, returning to Obazine two years later in order to remain close to his protector and to compose his *vita*. As the biographer explains, Stephen, at first unsure of the manner of life that he wished to lead, had become a priest.⁵⁹ Joined by Robert, his lay companion, he later renounced the world, taking the religious habit and living an ascetic life as a novice hermit.⁶⁰ After a long search, the two companions decided to establish their own foundation which eventually became the monastery of Obazine.⁶¹ By the middle of the century, Stephen's long deliberations over whether or not to affiliate to Cîteaux came to a head.⁶² Not only was the preponderance of women in his community beginning to place a considerable strain on Obazine's economy,⁶³ but he may have been waiting for a favourable time, possibly even being aware of the pope's forthcoming journey to Burgundy and the kingdom of France.⁶⁴

55 Knowles, *Monastic Order*, 218; C. Holdsworth, 'Bernard of Clairvaux', 173–85.

56 Knowles, *Monastic Order*, 218.

57 *Vita Stephani Obazinensis*, Introduction, 7–9; Golding, 'Hermits, Monks and Women', 128–33.

58 *Vita Stephani Obazinensis*, Introduction, 8, and 110–11 (i.11).

59 *Ibid.*, 44–7 (i.2).

60 *Ibid.*, 46–9 (i.2).

61 G. Melville, 'Stephan von Obazine: Begründung und Überwindung charismatischer Führung', in *Charisma und religiöse Gemeinschaften im Mittelalter*: Akten des 3. Internationalen Kongresses des Italienisch-deutschen Zentrums für Vergleichende Ordensgeschichte (Dresden, 10.–12. Juni 2004), ed. G. Andenna, M. Breitenstein, and G. Melville (Münster, c.2005), 85–101.

62 *Vita Stephani Obazinensis*, 96–9 (i.2).

63 *Vita Stephani Obazinensis*, 98–100 (ii.2); Golding, 'Hermits, Monks and Women', 131.

64 B. Barrière, *L'abbaye cistercienne d'Obazine en Bas-Limousin: les origines, le patrimoine* (Tulle, 1977), 69.

By the 1140s the congregation of Savigny which had originated in Normandy comprised a large, prosperous group of abbeys and independent priories with a series of daughter houses in England, Ireland, Wales, Brittany, and the kingdom of France.⁶⁵ The founder, Vitalis of Mortain (c.1060–1122), following his desire to withdraw from the world, began to live as a hermit.⁶⁶ He soon attracted followers and after seventeen years decided to settle his eremitical group into a stable coenobitic community. Under Geoffrey, Savigny's second abbot (1122–40), the community numbered more than twenty-five houses and Serlo of Vaubadon inherited what seemed at first glance to be a flourishing movement.⁶⁷

Between 1142 and 1144, Savigny with its Norman daughter houses came under the control of Geoffrey of Anjou while some of its houses in England were held by Queen Matilda and others by King Stephen.⁶⁸ Moreover, Stephen, the founder of Furness, had placed the entire English Savigniac congregation under royal protection sometime between 1138 and 1143.⁶⁹ At much the same time the fourteen Anglo-Norman houses, led by Furness, began a movement for independence, all seeking exemption from the abbot of Savigny's authority.⁷⁰ Claiming that the distance between England

65 L. Janauschek, *Originum Cisterciensium*, 2 vols (Vienna, 1877), i, 96.

66 Stephen of Fougères, *Vitae Vitalis et Gaufridi, primi et secundi abbatum Saviniacensium*, ed. E.P. Sauvage, *Analecta Bollandiana*, 1 (1882), 355–410, at 358; A. Dimier, 'Savigny et son affiliation à l'ordre de Cîteaux', *Collectanea Ordinis Cisterciensium Reformatum*, 9–10 (1947–8), 351–8; J. van Moolenbroek, *Vital l'hermite, prédicateur itinérant, fondateur de l'abbaye normande de Savigny*, trans. A.-M. Nambot (Assen/Maastricht, 1990). See now *Lives of Monastic Reformers*, ii, ed. and trans. H. Feiss (Collegeville MN, 2014), 'Abbots Vitalis and Godfrey of Savigny', 51–129.

67 Various accounts of Savigny's foundation in Normandy and England can be found in C. Auvry, *Histoire de la congrégation de Savigny*, ed. A. Laveille, 3 vols, Société de l'histoire de Normandie (Rouen/Paris, 1896–9); L. Guilloreau, 'Les fondations anglaises de l'abbaye de Savigny', *Revue Mabillon* 5 (1909–10), 290–335; J. Buhot, 'L'abbaye normande de Savigny, chef d'ordre et fille de Cîteaux', *Le Moyen Âge*, 46 (1936), 1–19; P.A. Dimier, 'Savigny et son affiliation à l'ordre de Cîteaux', *Collectanea Ordinis Cisterciensium Reformatum*, 9–10 (1947–8), 351–8; M. Suydam, 'Origins of the Savigniac Order: Savigny's role within twelfth-century monasticism', *Revue Bénédictine*, 86 (1976), 94–108; B.D. Hill, 'The Beginnings of the First French Foundations of the Norman Abbey of Savigny', *American Benedictine Review*, 31 (1980), 130–52; F.R. Swietek and T.M. Deneen, 'The Episcopal Exemption of Savigny 1112–1184', *Church History*, 52 (1983), 285–98.

68 Holdsworth, 'The Affiliation of Savigny', 59.

69 L. Delisle, 'Documents relative to the Abbey of Furness', *Journal of the British Archaeological Association*, 6 (1851), 420; *Regesta Anglo-Normannorum 1066–1154*, iii: *Regesta regis Stephani ac Mathildis imperatricis ac Gaufridi et Henrici ducum Normannorum 1135–1154* (Oxford, 1968), 295 no. 803. The most useful discussion for the purpose of this chapter is that by Swietek, 'The Union of Savigny', 290–3.

70 Burton, *Foundation History*, xxi–xxiii.

and Savigny was too great and that the journey was rendered increasingly perilous as a result of the civil war, most houses were already beginning to boycott the annual meetings of the Order. At an assembly held at Savigny in June 1147 all the French abbots were present, but only three Anglo-Norman houses, Byland, Quarr, and Neath attended.⁷¹ Serlo, realizing how acute the crisis at Savigny was becoming, sought help from the Cistercians. It appears that the continual growth of Savigny, coupled with the weak machinery of discipline and a lack of definition in those Savigniac customs which regulated the relationship between the mother and daughter houses, was failing to hold the congregation together.⁷² The decision to join the Cistercians was thus not made on impulse but may well have been part of a much more protracted process.⁷³

In common with Stephen and Serlo, Gilbert had made his journey from Lincolnshire to Cîteaux with the intention of placing his communities under the protection of the Cistercians. Unlike those of Vitalis and Stephen, his foundation was, from its beginnings, intended to support some young women from the village of Sempringham who, hearing him preach, felt inspired to lead a stricter life.⁷⁴ Gilbert began to instruct them in spiritual ideals but the popularity of the Lincolnshire convents seems to have taken him quite by surprise and from these humble origins he conceived the Order of Sempringham.

More information emerges from the prologue to the *Vita amplior et emendata*, the dossier of miracles achieved by Gilbert's intercession, which was compiled for presentation to the Curia in 1201 as evidence in his canonization process.⁷⁵ Ralph de Insula, the sacrist of St Mary's Church at Sempringham, acting on the instructions of Hubert Walter, archbishop of Canterbury, had drawn up a first short dossier, the *Vita breuior*, in late 1200. It was probably this which Gamel and W., two canons of the Order of Sempringham, carried to Rome in late 1200, only for it to be rejected on the grounds that further evidence was required from eyewitnesses to the miracles achieved through Gilbert's intercession. Hence, the *Vita amplior et*

71 Burton, *Foundation History*, xviii–xix; Hill, *English Cistercian Monasteries*, 102.

72 Burton, *Foundation History*, xxiii–xxiii.

73 Holdsworth, 'The Affiliation of Savigny', 83–4, suggests that affiliation was in St Bernard's mind, possibly as early as 1144 and claims that by the mid-1140s there is unequivocal evidence that Bernard's and Serlo's plan had become more widely shared among Cistercians, *ibid.*, 84.

74 *Book of St Gilbert*, xv–xxx.

75 For what follows see *Book of St Gilbert*, lxxi–lxxv, xc–cviii. See also R. Foreville, 'Canterbury et la canonisation des saints au XII^e siècle', *Tradition and Change: essays in honour of Marjorie Chibnall*, ed. D. Greenway, C. Holdsworth, and J. Sayers (Cambridge, 1985), 63–75.

emendata was subsequently composed to inform a second embassy to the Curia in 1201. At length, Ralph combined elements of both *vitae* into *The Book of St Gilbert* for the new saint's first solemn feast which was presented to Archbishop Hubert between 13 October 1202 and 4 February 1203.⁷⁶ Ralph explains how Gilbert, considering himself unworthy of such great authority and conscious of his own weaknesses, had travelled to Cîteaux, where the religious life was more perfect since the monks had entered it more recently and their rule was stricter, in order to place his foundation under the authority of the Order.⁷⁷ Furthermore, he claims that Gilbert had chosen the Cistercians because he already had close ties with them in England and that as 'he had often received hospitality from them, he was more at home with these men than with others'.⁷⁸

Thus Stephen, Serlo, and Gilbert had all approached Cîteaux seeking affiliation but while Savigny and Obazine were accepted, Sempringham's appeal was refused, ostensibly on the grounds that Gilbert's foundation was exclusively for women. Recent research, however, has shown that in the early twelfth century, communities of women might well enjoy close associations with houses of priests and lay brothers, and still be viewed sympathetically by the Cistercians.⁷⁹ The relationship between the female community of Lespinasse and the male house of Grandselve which joined the Cistercians in 1145 provides just one example.⁸⁰ Gilbert too wished to bind his foundations to the Cistercian family but his attempt to place his nuns under its protection was refused by Eugenius and the *capitulum*, who alleged that it was not lawful to govern monks of another *ordo*, still less women.⁸¹ This prompts the question of the nature of Eugenius's role and the extent to which he may have influenced the Cistercians' decision.

In the case of Stephen of Obazine, clear contemporary evidence exists to indicate the pivotal role of the pope himself in his approval.⁸² Stephen had set out for Cîteaux, accompanied by certain of his brothers but was already beginning to face serious problems within this Order. Not only had some monks from the Abbey of Uzèrche previously petitioned Eugenius,

76 *Book of St Gilbert*, lxxiii.

77 *Ibid.*, 40–3.

78 *Ibid.*, 40–1.

79 C.H. Berman, 'Men's Houses, Women's Houses: the relationship between the sexes in twelfth-century monasticism', in *The Medieval Monastery*, ed. A. MacLeish (Minneapolis MN, 1988), 43–52.

80 Berman, *Cistercian Evolution*, 123, 127–8, *Book of St Gilbert*, xlv–1.

81 *Book of St Gilbert*, xxi, 42–3.

82 *Vita Stephani*, 112–15 (ii.12).

complaining that their abbot had deserted them for Obazine,⁸³ but Stephen was also caused considerable embarrassment by his continuing governance of communities of men and women.⁸⁴ Both these problems were potentially huge stumbling blocks for Stephen and the pope's opinion of him as a founder would be critical.⁸⁵ Stephen thus approached Eugenius personally in order to explain his intentions, as the author of the *vita Stephani* states, 'asking [the pope] to use his authority to bring about his request'.⁸⁶ Eugenius welcomed Stephen with great kindness and entrusted him to Raynard of Cîteaux who willingly received him 'like a son to a father'. Indeed, it was Eugenius's own initiative which, according to the *vita Stephani*, led to his order to Raynard 'to bring the abbot into the assembly and to associate him with the Order'.⁸⁷ Thus, it was Raynard who assumed responsibility for introducing Stephen to all the abbots gathered at Cîteaux.

By the time that Stephen appeared before the *capitulum* he had, therefore, already secured the prestigious and powerful support of pope and abbots alike.⁸⁸ The author of the *vita Stephani* confirms that the Cistercian abbots unanimously accepted Stephen and his communities into their Order, and Obazine was specifically attached to Cîteaux as its fifteenth daughter.⁸⁹ The biographer believes that it was not Stephen's sanctity alone but also the will of the Lord Pope which had determined this successful outcome.⁹⁰

In the case of Savigny, the papal decision is somewhat less clear. Serlo, with his companion Osmund of Beaubec, is said to have approached the

83 *Cartulaire de l'abbaye d'Uzèrche*, ed. J.B. Champeval (Brive, 1901), 49; Geoffrey of Vigewois, *Chronicon lemovicense*, ed. P. Labbé, *Nova bibliotheca manuscriptorum*, 2 vols (Paris, 1657), ii, 307.

84 *Vita Stephani*, 112–15 (ii.12): 'quod vir sanctus ut viro sita et feminas a domino gubernandas acceperat quod eorum ordo omnino vetabat'.

85 *Ibid.*

86 *Ibid.*, 112–13 (ii.12): 'cum ad Cistercium beatus iste venisset, memoratum papam humiliter adiit et quid animo gereret apostolicis auribus intimavit, sub nix e deposcens ut suum desiderium ipsius auctoritate ad effectum perduceretur'.

87 *Ibid.*: 'Tunc ille domnum Rainardum ad se venire mandavit eique sanctum virum ut patri filium ipse pater omnium commendavit atque ut eum in conventu abbatem duceret et sancto ordini sociar et precepit'.

88 Barrière, *L'abbaye cistercienne d'Obazine*, 70.

89 *Vita Stephani*, 112–13 (ii.12): 'ab universis concorditer abbatibus in societatem ordinis est receptus et domui cisterciensis specialiter assignatus'; A.A. King, *Cîteaux and Her Elder Daughters* (London, 1964), 23.

90 *Vita Stephani*, 112–13 (ii.12): 'cum utique non minus in hoc defferent ejus religioni quam apostolici jussioni'.

assembly, supported by both the pope and St Bernard.⁹¹ Dimier, for example, argued that Serlo was said to have held the Cistercians, and most especially Bernard of Clairvaux, in great regard,⁹² actually retiring to Clairvaux in 1153 and dying there in 1158.⁹³ Bennett Hill also suggested that it was Bernard's influence over Serlo which underlay the union, even going so far as to claim that Serlo was so fascinated by Bernard that he imitated the abbot of Clairvaux in all things, even in how he ran his monastery. Serlo's desire was to live under Bernard's authority and he grasped the opportunity to do so by surrendering the houses over which he presided to the filiation of Clairvaux.⁹⁴

Jacqueline Buhot, in a survey of Savigny's early history, offered a further reason for union.⁹⁵ She suggests that the rapid wealth and expansion of Savigny caused growing decadence within the congregation and that reform throughout the Order was necessary.⁹⁶ Whatever the roles of Eugenius or Bernard in the acceptance of union, Savigny was given an exceptionally high status in the Cistercian hierarchy, placing it immediately after the four 'elder daughters' of La Ferté, Pontigny, Clairvaux, and Morimond, and henceforth permitting its abbot to have three horses in his equipage.⁹⁷ Eugenius ratified the affiliation without delay in his mandate *Pax ecclesiae*, given at the monastery of Saint-Seine on 19 September 1147,⁹⁸ while in March 1148 the union was once again confirmed at the papal council of Reims.

Swietek, however, demonstrates conclusively that the evidence for Bernard's influence is quite thin and that his role in the union was more 'peripheral' than previously thought.⁹⁹ He argues that Eugenius's presence at Cîteaux in September 1147 could scarcely have been ignored by reason of his apostolic authority, even if he was not presiding. Most interestingly, he highlights that, while there is a lack of evidence for Bernard's involvement, the account of the surrender of the congregation of Obazine to Eugenius, is almost identical to that reconstructed for Serlo by Claude Auvry in the

91 B.D. Hill, 'The Beginnings of the First French Foundations of the Norman Abbey of Savigny', *American Benedictine Review*, 31 (1980), 130–52, at 138.

92 Dimier, 'Savigny et son affiliation', 356.

93 Ibid., 356 n. 16.

94 Hill, *English Cistercian Monasteries*, 84–115, at 101.

95 Buhot, 'L'abbaye normande de Savigny', 1–19.

96 Ibid., 18.

97 King, *Cîteaux*, 23. See also F.R. Swietek and T.M. Deneen, 'Et inter abbates de majoribus unus: the abbot of Savigny in the Cistercian constitution, 1147–1243', in *Truth as Gift*, 89–118.

98 Holdsworth, 'The Affiliation of Savigny', 43–8 for the text and translation.

99 Swietek, 'The Role of Bernard', 293–301.

nineteenth century and followed by many historians.¹⁰⁰ Swietek suggests that Serlo approached Eugenius, as Stephen is reported to have done and, therefore, it was the pope and not Bernard who was instrumental in agreeing to the union which was effected on papal authority. Swietek is also the first to indicate that Robert of Torigny¹⁰¹ and Peregrinus of Vendôme,¹⁰² two contemporary sources which mention the union, emphasize that it was carried out on Eugenius's authority – and his anxiousness to implement the merger is demonstrated by the four bulls which sought to impose it on the disobedient Savigniac houses.¹⁰³

Moreover, the Cistercians might well have wished to seek an important papal patron on the grounds that the momentous decision of union had been made without the agreement of Savigny's one great patron, Stephen, king of England.¹⁰⁴ According to Holdsworth, both Eugenius and Serlo of Savigny were 'surely concerned that the scale of the operation in 1147 was such that it would almost certainly be strongly resisted by some abbots attached to Savigny and possibly also by King Stephen himself'.¹⁰⁵

Gilbert of Sempringham's request raises another problem when his approach to the Cistercians was met with refusal. Did Eugenius III perhaps bear any responsibility in the decision? The author of the *vita Gilberti* states that Eugenius and the Cistercians were unanimous, claiming that: 'the Lord Pope and the Cistercian abbots said that monks of their own order were not permitted authority over the religious life of others, least of all that of nuns'. They also claimed to wish not to deprive the community of Sempringham of their own pastor.¹⁰⁶ At Eugenius's personal command then, Gilbert found himself Master of his own congregation, against both his will and his inclination, in spite of his pleas of unworthiness, inexperience in teaching, and his declining years.¹⁰⁷

100 Auvry, *Histoire de la congrégation de Savigny*, 299–300.

101 Robert of Torigny, *Tractatus de immutatione ordinis monachorum*, iv, PL, ccii, 1312; Swietek, 'The Role of Bernard', 295 n. 23.

102 Peregrinus of Vendôme, *Historia monasterii beatae Mariae de Fontanis albis IX*, in *Recueil de chroniques de Touraine*, ed. A. Salmon (Tours, 1854), 266–7; Swietek, 'The Role of Bernard', 295 n. 25.

103 F.R. Swietek and T.M. Deneen, 'The Episcopal Exemption of Savigny 1112–1184', *Church History*, 52 (1983), 285–98; Swietek, 'The Role of Bernard', 301.

104 Holdsworth, 'The Affiliation of Savigny', 50.

105 *Ibid.*, 67.

106 *Book of St Gilbert*, 43.

107 *Ibid.*, 43.

Eugenius – described by the author of the *vita Gilberti* as ‘a wise man’ – felt that these protestations were just the excuses of a man of devout humility.¹⁰⁸ And seeing that Gilbert had no desire for promotion to a higher ecclesiastical rank, the pope ‘conferred pastoral office upon him all the more promptly and confidently’.¹⁰⁹ Moreover, Eugenius promised that henceforth he would take a personal interest in Gilbert’s future communities and agreed to ‘guide Gilbert’s merit till it brought forth its fruit a hundredfold in the harvest’.¹¹⁰ Once Gilbert realized that he had no option but to take on the responsibility for his communities – as the author of his *vita* politely records – the ‘divine judgment delivered in his case’,¹¹¹ he is said to have ‘devoutly embraced his obedience to God and to His vicar the pope’.¹¹² Such was Eugenius’s regard for Gilbert that the pope supposedly ‘lamented’ that had he been acquainted with Gilbert earlier he would have promoted him to the vacant archbishopric of York ‘if news of his merits had reached him sooner’.¹¹³ Gilbert may also have been rejected on the grounds that his communities were then few, poorly endowed, and not supported by a powerful patron. His first patron had been William of Rievaulx with whom he discussed the need to provide a community for young laywomen.¹¹⁴ While William advised him to place them under a year’s probation, no further advice was forthcoming as the abbot died in 1145. Gilbert’s other patron, Alexander of Lincoln,¹¹⁵ travelled to Auxerre in August 1147 with the intention of meeting Eugenius there but he was deeply afflicted by the excessively hot weather and died in February of the following year.¹¹⁶ As Bishop Alexander’s diocese was already home to two houses of Arrouaisian canons,¹¹⁷ it also formed ‘a congenial milieu for the new Order, whose interest in female religious may well have influenced

108 *Ibid.*, 43.

109 *Ibid.*, 42–3.

110 *Ibid.*, 42–3.

111 *Ibid.*, 42–3.

112 *Ibid.*, 44–5.

113 *Book of St Gilbert*, 44–5. Eugenius had finally pronounced the deposition of William Fitz-Herbert, archbishop of York, early in 1147 and confirmed the election of Henry Murdac, abbot of Fountains to the see. Later in the year the Pope himself consecrated Henry on 7 December, *Book of St Gilbert*, 44 n. 2. See E. Jamrozak, ‘The Cistercians, Pope Eugenius III, and the Disputed York Election’, above, Ch. 3.

114 St William, first abbot of Rievaulx (1132–45), *The Heads of Religious Houses: England and Wales, 940–1216*, ed. D. Knowles, C.N.L. Brooke, and V.C.M. London (Cambridge, 1972), 140; *Book of St Gilbert*, xx.

115 Dyson, ‘Monastic Patronage’, 14–24.

116 *Book of St Gilbert*, xli, n. 3, xlvii; Dyson, ‘Monastic Patronage’, 11; Golding, *Gilbert of Sempringham*, 27–8.

117 At Bourne (1138) and Dorchester (c.1140).

the thinking both of the bishop and of Gilbert of Sempringham'.¹¹⁸ Had Alexander managed to speak to Eugenius, how different might the outcome have been for the Gilbertines.

The *Vita S. Gilberti Confessoris* and the *Institutes of the Gilbertine Order*, preserved in a thirteenth-century manuscript and as printed in *Monasticon*, provide yet more evidence.¹¹⁹ The *Institutes* are an amalgamation of regulations from the early thirteenth century in which the primitive mandates of Gilbert are merged with later legislation.¹²⁰ The *Vita* includes a first-person narrative which purports to be by Gilbert himself, containing recollections made by him sometime in the 1160s.¹²¹ Gilbert briefly mentions his visit to Cîteaux when he says, 'I went to the chapter of the Cistercians (*capitulum Cisterciense*), Pope Eugenius being present, a man of great counsel and holiness, so that I might deliver up to their regulation our houses and the handmaidens of Christ and our brothers ... but I suffered a refusal altogether. Forced by necessity I gathered to me clerics for the regulation and care of women and men who had given themselves to external labour.'¹²² Gilbert gives no reason for the papal refusal and mentions his visit only in passing. Possibly, the failure of the Cistercians to assume responsibility for the sisters explains the omission of all mention of Gilbert's presence at the *capitulum* in Cistercian sources.¹²³

There remains the question of how far Eugenius intervened in the decisions made at the assembly at Cîteaux. Was Gilbert merely unlucky in that the Cistercians had not sought support from Eugenius sooner? Unfortunately, it seems that no evidence survives to indicate that Alexander had ever made any formal request to the pope on Gilbert's behalf.¹²⁴ It is true that by the time that his visit came to an end Gilbert had gained the friendship of Eugenius, Bernard of Clairvaux, and Malachy, archbishop of Armagh, but at the start of the venture it is unlikely that they supported him.¹²⁵ On the other hand, according to the account of his biographer, Stephen of Obazine approached the pope before the assembly began, and

118 Dyson, 'Monastic Patronage', 11.

119 London, BL, MS Cotton Cleopatra B1, fol. 37b; W. Dugdale, *Monasticon Anglicanum*, ed. J. Caley, H. Ellis, and B. Bandinel, 6 vols (London, 1846), 6/ii, pp. v–xxxvii.

120 Ibid., xxix–xxxvii.

121 Ibid., v–xxix.

122 'Quod adiit Dominum Papam Eugenium', Dugdale, *Monasticon Anglicanum*, 6/ii, p. xi. See also S. Elkins, *Holy Women of the Twelfth Century* (Chapel Hill NC, 1988), 82–3.

123 B. Golding, 'St Bernard and St Gilbert' in *The Influence of St Bernard*, ed. B. Ward (Oxford, 1976) 42–54, at 46.

124 Dyson, 'Monastic Patronage', 23–4.

125 *Book of St Gilbert*, 45.

gained his support, while Serlo's backing by both Eugenius and Bernard is couched in similar terms. This behind-the-scenes negotiation clearly paid off in achieving the affiliations of both Obazine and Savigny.

And what of Eugenius's influence? Certainly in Gilbert's case, Eugenius maintained a personal interest. After the *capitulum* of 1147 Gilbert returned to England and devised a rule for his followers, picking 'what he needed like so many beautiful flowers'.¹²⁶ And it seems that Eugenius did follow up his promise to guide and nurture Gilbert's particular merit. Gilbert is said to have 'notified Pope Eugenius in a letter of the contents of all these precepts and of the entire code formed from them, so that if anything needed alteration he [Eugenius] could correct it'.¹²⁷ It was standard practice for religious leaders to seek such confirmation and by then Gilbert certainly realized the importance of seeking the pope's approval so that, as the *vita* puts it, 'every accusing voice might be silenced and security conferred upon those who kept these laws'.¹²⁸ According to the author of the *vita*, in what was called by the appropriate word *scripta*, Eugenius 'read through each article carefully and, finding nothing to criticize, he approved them to stand for ever'.¹²⁹ Moreover the pope declared that 'whatever had been authorized by Father Gilbert, or would later be so, should endure and last forever'.¹³⁰ And the author of the *vita* goes on to stress that this document was confirmed in even stronger terms by his successors, Adrian IV and Alexander III.¹³¹

We should remember that while together Gilbert and Bernard of Clairvaux had drawn up the Gilbertine Rule between 1147 and 1148, it was Eugenius who was responsible for instituting Gilbert as head of his community. Without the support of Eugenius and Bernard, it is unlikely that the Gilbertine communities would have survived. In 1169 or 1170, the prior of Bridlington cited Eugenius III's authority when he wrote to Alexander III on Gilbert's behalf, saying 'Moreover, it is very well known that rules of the monastic life pertaining to both sexes were sent by Master Gilbert to your predecessor, Pope Eugenius; and that, after discussions with men of the religious life, this same pontiff ordained that they should be obeyed thereafter in perpetuity; he also laid down that none of these measures, which had passed the test of Father Gilbert's zeal, should be altered.'¹³² By

126 Ibid., 48–51.

127 Ibid., 50–1.

128 Ibid., 50–1.

129 Ibid., 50–1.

130 Ibid., 50–1.

131 Ibid., 50–1.

132 Ibid., 155.

the end of the 1180s, the communities numbered some 700 canons and 1,500 nuns and the Order had become the fastest growing in England.

In the case of Savigny, the community consulted Eugenius about ongoing developments. As predicted, when news of the union reached the English houses of Savigny, it was greeted with no great enthusiasm. The 'breakaway' group immediately refused to accept the 1147 decision. Perhaps they felt that their own authority and independence would be checked if Cistercian practices were introduced.¹³³ The matter was referred to Eugenius who, of course, had himself witnessed the union at Cîteaux. He issued a bull from Reims on 10 April 1148, calling on each abbey by name for its submission.¹³⁴ Following a second refusal, Eugenius had no choice other than to excommunicate the English houses. A delegation headed by Peter, fourth abbot of Furness, outlined their position to the pope. Eugenius in turn referred them to Hugh, archbishop of Rouen, and Arnulf, bishop of Lisieux, who were to hear and judge their grievances.¹³⁵ When Peter failed to turn up at either of the two sessions, the decision was made in his absence that the English houses should submit under threat of total and continual excommunication.¹³⁶ Although Peter gave in, problems continued as the monks in the house of Furness rebelled. Finally, they too submitted in 1149, but only after a struggle and a dragging of feet.¹³⁷

We may never know how far Eugenius III influenced the decisions of 1147 or what negotiations went on behind closed doors. By claiming that the pope personally approved the amalgamation of the houses, were the Cistercians simply covering their own backs by implying that these decisions were not theirs alone and that the pope had granted approval for their 'empire building'? After all, these were not the first examples of aggrandizement by the Cistercians – as when Cadouin, with its dependent communities, had been affiliated in 1119 – but the affiliations of 1147 were on an altogether far grander scale.¹³⁸ There were thirty-two Savigniac houses and seven communities around Obazine. The acceptance of these groups marked a significant increase in the Cistercian empire.¹³⁹ From this perspective then, the appeal of

133 Hill, *English Cistercian Monasteries*, 105; F.R. Swietek and T.M. Deneen, 'The Date of the Merger of Savigny and Cîteaux Reconsidered', *Revue d'Histoire Ecclésiastique*, 101 (2006), 547–74.

134 Hill, *English Cistercian Monasteries*, 106.

135 *Ibid.*, 106.

136 *Calendar of Documents Preserved in France 918–1206*, ed. J.H. Round (London, 1899), 294 no. 813.

137 Hill, *English Cistercian Monasteries*, 106.

138 Golding, *Gilbert of Sempringham*, 27.

139 *Ibid.*, 27.

Gilbert must have appeared sadly limited¹⁴⁰ but Eugenius, far from dismissing Gilbert, went on to support him and the rule he had devised. Might we perhaps suggest that it was Eugenius's personal intervention that made Gilbert the actual winner in 1147, turning what might at first have seemed a hugely negative move into one that was positive. Gilbert not only went on to found a highly successful order with the continuing support of Eugenius and subsequent popes, but was also eventually canonized in 1202 while the incorporation of the other two orders led to their disappearance into the Cistercian empire.

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140 Golding, 'Hermits, Monks and Women', 141.

13. Eugenius III and the Church in the Crusader States

Andrew Jotischky

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Abstract

Eugenius arbitrated in tithe disputes between the monastery of St Mary of Josaphat in the Kidron Valley and Robert, archbishop of Nazareth, and on jurisdictional issues such as the patriarchal claims of Jerusalem and Antioch to primacy over the archbishopric of Tyre. In 1149, when the new church of the Holy Sepulchre was consecrated, the pope sought information on Orthodox doctrine, perhaps inspired by the consecration of the new church of the Holy Sepulchre in 1149 with an altar set aside for the Greek liturgy. Exceptionally, he invited an Armenian delegation to attend a Mass at St Peter's to observe Catholic practice, and displayed interest in the Orthodox liturgy in Jerusalem as part of his universal ministry over all churches.

Keywords: church of the Holy Sepulchre; Notre-Dame de Josaphat; Bethlehem and Mt Sion; Armenia

Historians of the crusades are accustomed to thinking of Eugenius III chiefly as the pope who initiated the Second Crusade. So large do the crusade of 1146–8 and its planned but unfulfilled successor of 1150 loom in Eugenius's short pontificate that Rudolf Hiestand has asserted that it was 'without doubt the central event in the pontificate of Eugenius'.¹ The weight of attention paid to the Second Crusade over the past twenty years has added to this perspective.² The intricacies of the language and timing of his crusading

¹ R. Hiestand, 'The Papacy and the Second Crusade', in *Second Crusade*, ed. Phillips and Hoch, 32.

² For example the essays in *Second Crusade*, ed. Phillips and Hoch, *Second Crusade*, ed. Gervers, and esp., J. Phillips, *The Second Crusade: expanding the frontiers of Christendom*

bull, and the intentions behind it, the attitudes of Eugenius and the Cistercians to a further attempt to launch a crusade in 1150, and papal crusading policy in general in Eugenius's pontificate, have been analysed rigorously.³

Given the importance of crusading as an activity of Eugenius's pontificate, it is perhaps understandable that less attention has been paid to the apparently more mundane business of his pontificate relating to the Church in the Crusader States. Yet, as Hiestand himself acknowledged, the wider context of the preaching and planning of the Second Crusade must take into account the increased involvement of the papacy in the ecclesiastical affairs of the Crusader States from the 1130s onward.⁴ Petitions to the papal Curia from the churches of the Crusader States increased markedly under Innocent II (1130–43), and even the brief pontifical reigns of Celestine II (1143–4) and Lucius II (1144–5) bear evidence of this continuing trend. The range of business dealt with in the surviving documents is for the most part quite predictable. Hiestand's discussion of the surviving documents from the papal register and the papal privileges copied into the cartularies of monastic houses in the Crusader States summarizes contacts between the Curia and the church in the Crusader States under three main headings.⁵ First, there are papal confirmations of the possessions of the major religious houses, notably the church of the Holy Sepulchre, the Benedictine monastery of Notre-Dame de Josaphat, and the Augustinian chapters at Bethlehem and Mt Sion.⁶ Second, there were problems to resolve over appointments

(New Haven CT, 2007). The classic older work is G. Constable, 'The Second Crusade as Seen by Contemporaries', *Traditio*, 9 (1953), 213–79.

3 On the crusading bull, P. Rassow, 'Der Text der Kreuzzugsbulle Eugens III', *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde*, 45 (1924), 302–5; A. Grabois, 'The Crusade of King Louis VII: a reconsideration', in *Crusade and Settlement: papers read at the First Conference of the Society for the Study of the Crusades and the Latin East and presented to R.C. Smail*, ed. P. Edbury (Cardiff, 1985), 94–104; G. Ferzoco, 'The Origin of the Second Crusade', in *Second Crusade*, ed. Gervers, 91–100; J.G. Rowe, 'The Origins of the Second Crusade: Pope Eugenius III, Bernard of Clairvaux and Louis VII of France', *ibid.*, 79–89; Phillips, *Second Crusade*, 37–60; W. Purkis, *Crusading Spirituality in the Holy Land and Iberia c.1095–c.1187* (Woodbridge, 2008), 75–92; on the proposed crusade of 1150, T. Reuter, 'The "Non-Crusade" of 1149–50', in *Second Crusade*, ed. Phillips and Hoch, 150–63; G. Constable, 'The Crusading Project of 1150', in *Montjoie: studies in crusade history in honour of Hans Eberhard Mayer*, ed. B.Z. Kedar, J. Riley-Smith, and R. Hiestand (Aldershot, 1997), 67–75; J. Phillips, *Defenders of the Holy Land: relations between the Latin East and the West, 119–1187* (Oxford, 1996), 100–39.

4 Hiestand, 'The Papacy and the Second Crusade', 33–5.

5 Hiestand, 'The Papacy and the Second Crusade', 33–4, based on *PU Heiligen Lande*.

6 Holy Sepulchre: *PU Heiligen Lande*, 147–9 no. 37 (1138), 150–2 no. 39 (1139), 165–6 no. 47 (1141); Notre-Dame: *ibid.*, 156–60 nos 44–5 (1140), 166–7 no. 48 (1142); Bethlehem: *ibid.*, 383–4 no. 191 (a confirmation of Gregory IX citing an earlier one by Innocent II); Mt Sion: *ibid.*, 280–7 no. 113 (a

and elections. The case of the patriarch of Antioch, Ralph of Domfront, proved particularly troublesome in 1140.⁷ Wider jurisdictional issues, such as the rival claims of the patriarchs of Jerusalem and Antioch to primacy over the archbishopric of Tyre, rumbled on throughout the period from 1137 until after Eugenius's death.⁸ Finally, Eugenius inherited a diplomatic connection with the Separated Churches of the East begun when Innocent II sent Alberic of Ostia to the East to establish ties with the Armenian Catholicos in 1140.⁹

The evidence of privileges and letters also represents stronger personal contacts between the Church in the Crusader States and the papal Curia. The archbishop of Tyre was in Rome in 1138, and the soon-to-be disgraced Patriarch Ralph of Antioch attended the Second Lateran Council a year later.¹⁰ Eugenius himself received the archbishop of Caesarea and the bishop of Tripoli at the papal court in 1147–8, while the Benedictines of Notre-Dame de Josaphat and the archbishop of Nazareth, who were in dispute over the ownership of a church in Galilee, probably sent representatives to the pope in 1145.¹¹

These increased contacts, and the nature of the business conducted through them, indicate how central the papal Curia was becoming to the direction of the Church in the East. The appearance of the patriarch of Antioch at the Second Lateran Council, as Hiestand observed, marks the first occasion on which a prelate of this distinction from Outremer had contributed to such a council.¹² This is what we might expect in the second generation after the establishment of the Crusader States, as the transplanted Latin Church settled into the patterns of landed society and encountered the

confirmation of Alexander III citing an earlier one by Innocent II). See also *ibid.*, 169–72 nos 50–1 (on the incorporation of the Hospital of St Mary of the Germans in Jerusalem into the Hospital of St John).

7 B. Hamilton, *The Latin Church in the Crusader States: the secular church* (London, 1980), 30–8, 370–2.

8 *PU Heiligen Lande*, 144–5 no. 34, 146–9 nos 36–8, 152–6 nos 40–3; P. Edbury and J.G. Rowe, *William of Tyre: historian of the Latin East* (Cambridge, 1988), 116–23.

9 William of Tyre, *Chronicon*, ed. R.B.C. Huygens, CCCM, 63 and 63A, 2 vols (Turnhout, 1986), 699–700 (xv.18); A. Barbara Schmidt and P. Halfter, 'Der Brief Papst Innocenz II an den armenischen Katholikos Gregor III', *Annuario Historiae Conciliorum*, 31 (1999), 50–71; Hamilton, *Latin Church*, 203–4.

10 *PU Heiligen Lande*, 149 no. 38: Fulcher of Tyre seems to have received the pallium from Innocent II; B. Hamilton, 'Ralph of Domfront, Patriarch of Antioch (1135–1140)', *Nottingham Medieval Studies*, 28 (1984), 1–21.

11 R. Hiestand, 'Ein neuer Bericht über das Konzil von Antiochia 1140', *Annuario Historiae Conciliorum*, 20 (1988), 314–50; *PU Heiligen Lande*, 181–2 no. 59.

12 Hiestand, 'The Papacy and the Second Crusade', 34.

problems that inevitably accompanied them. In this respect, the church in the Crusader States, viewed from the papal documents, does not appear to differ greatly from the church in the West. Disputes between bishops and monasteries over jurisdictions, tithes, and exemptions come to dominate the papal acta from the mid-twelfth century. The dispute between the archbishop of Nazareth and the monks of Notre-Dame de Josaphat, which will be examined in more detail below, resembles in some respects that between the monks of Vézelay and the bishop of Autun in the same period.

From another perspective, however, there was much ground to be recovered in terms of the relationship between papal authority and patriarchal office in Jerusalem. Does the increase in intensity of contacts between the papal Curia and the Latin churches in Outremer from the 1130s, as observed by Hiestand, mark changes in either the attitude of the papacy to the Church in the East or in the attitude of the Frankish prelates in Outremer toward the papacy? At the time of the First Crusade, Urban II (1088–99) had assumed, so far as we can tell, that the patriarchate of Jerusalem would remain in the hands of the Greek Orthodox incumbent Symeon II, and Symeon himself seems to have accepted spiritual responsibility for the progress of the crusade in an encyclical written at Antioch in October 1097. Adhémar of Le Puy, the papal legate, likewise recognized Symeon's leadership of the church of Jerusalem.¹³ Yet Urban, like Gregory VII before him, clearly regarded papal authority as encompassing that of the other patriarchates in the Church, and the papacy as *mater omnium ecclesiarum*.¹⁴

The Latin canonical understanding of the relationship between papal authority and patriarchal offices in the Church at the time of the First Crusade, represented in Bonizo of Sutri's *Liber de vita christiana*, saw the Church of Rome as *mater, cardo, caput, vertex, fundamentum, fons, origo, exordium omnium ecclesiarum*.¹⁵ In the first months after the end of the First Crusade, the relationship between pope and patriarch was put to the test because the deaths of both Symeon and Adhémar before July 1099 had left a vacuum in spiritual authority. The crusaders acted reasonably in electing Arnulf of Choques as patriarch in 1099 on the grounds that

13 *Die Kreuzzugsbriefe aus den Jahren 1088–1100*, ed. H. Hagenmeyer (Innsbruck, 1901), 141–2; Hamilton, *Latin Church*, 6–7.

14 *Das Register Gregors VII. (Gregorii VII Registrum)*, ed. E. Caspar, *MGH Epistolae Selectae*, 2 vols (Berlin, 1920 and 1923, repr. 1990), i, 237–8 no. ii.75, at 238; K.-P. Kirstein, *Die lateinischen Patriarchen von Jerusalem*, *Berliner Historische Studien*, 35 (Berlin, 2002), 70–2.

15 'Mother, hinge, head, peak, base, source, origin and beginning of all Churches', Bonizo of Sutri, *Liber de vita christiana*, ii.4, ed. E. Perels, *Texte zur Geschichte des römischen und kanonischen Rechts im Mittelalter*, 1 (Berlin, 1930), 35.

he had been appointed by Urban as ancillary legate to Adhémar before the crusade set out.¹⁶ Likewise, Daibert of Pisa's refusal to ratify Arnulf's election in December 1099 on his arrival in Jerusalem was valid on the grounds that he had been appointed to replace Adhémar as papal legate. Both Arnulf's election and the choice of Daibert to succeed him, however, ignored the claims of Orthodox prelates to the patriarchal office, and in 1107 an Orthodox bishop appealed to a synod in Constantinople that he had been acclaimed as patriarch by the people of Jerusalem but ejected by the Latins.¹⁷ In all these cases, papal authority was assumed to operate over and above patriarchal. The despatch of a further papal legate, Maurice, to the East in September 1100, appears to indicate that Paschal II wished to ensure papal control over affairs in Outremer. Likewise, the attempts of Daibert to recover the patriarchate after his dismissal, in 1101, 1104, and 1107, and the patriarchal schism of 1108, were all settled by the pope rather than in Outremer.¹⁸ The overriding impression is that the clergy available for election in Outremer were either not considered fit for high office, or subsequently proved unfit for such office. In 1108 another papal legate, Gibelin archbishop of Arles (1108–12), was elected patriarch in similar circumstances to those that had surrounded the elections of Daibert in 1100 and Evremar of Chocques in 1102.¹⁹ Thus, between 1099 and 1112, when Gibelin died, the keys to patriarchal office in Jerusalem were in the hands of the pope. The situation changed, however, from 1112 onward. After Gibelin's death, Arnulf of Chocques was elected without papal intervention – indeed, without papal knowledge but simply 'by king, clergy and people'.²⁰ Similarly, in 1118 Warmund of Picquigny seems to have been the choice of the new king, Baldwin II (1118–31), as were, in all probability, Stephen of Chartres in 1128 and William in 1130; Fulcher was appointed in 1145 by Queen Melisende

16 J. Richard, 'Quelques textes sur les premiers temps de l'Église latine de Jérusalem', in *Recueil de Travaux offerts à M. Clovis Brunel*, Mémoires et documents publiés par la Société de l'École de Chartes, 12, 2 vols (Paris, 1955), ii, 420–30.

17 On this affair, see J. Pahlitzsch, *Graeci und Suriani im Palästina der Kreuzfahrerzeit. Beiträge und Quellen zur Geschichte des griechisch-orthodoxen Patriarchats von Jerusalem*, Berliner Historische Studien, 33 (Berlin, 2001), 101–9.

18 See Hamilton, *Latin Church*, 55–7, for summary.

19 William of Tyre, *Chronicon*, 501 (xi.4); see also the letter of Paschal II to the clergy of Jerusalem, dated December 1107, *PU Heiligen Lande*, 106 no. 8, announcing Gibelin's commission as legate.

20 *Le cartulaire du Saint-Sépulcre de Jérusalem*, ed. G. Bresc-Bautier, Documents relatifs à l'histoire des croisades, 15 (Paris, 1984), 74–7 no. 20, at 76; Hamilton, *Latin Church*, 62, suggests that since Gibelin died in Lent, the election was held quickly so that a patriarch would be in place for the Holy Week celebrations.

(1131–52).²¹ For a generation before Eugenius III became pope, therefore, the papacy appears to have lost control of appointment to the most important ecclesiastical office in the Crusader States.

The pontificate of Eugenius III provided opportunities to make up for this. In one respect Eugenius inherited a propitious situation. As hinted at above, the jurisdictional issue of the status of the archbishopric of Tyre had become a serious bone of contention in the 1130s. In fact, it had already arisen as early as the reign of Baldwin I, when, according to William of Tyre, Pope Paschal II agreed to the king's request – which was doubtless made with strong patriarchal support – that territories conquered from the Muslims by the throne of Jerusalem should come under the ecclesiastical jurisdiction of the patriarch of Jerusalem.²² This might have appeared uncontentious, except that not all bishoprics in what became the kingdom of Jerusalem historically lay within the jurisdiction of the patriarch of Jerusalem. In the Greek Orthodox arrangement of dioceses going back to the fifth century, but still notionally in operation at the time of the Crusader conquest, Tyre had been classed as a metropolitan province under the jurisdiction of the patriarch of Antioch.²³ Understandably, after Tyre was captured in 1123, the Latin patriarchs of Antioch claimed jurisdiction on these grounds.

In 1133–4, a canon of the Holy Sepulchre, Fulcher, became archbishop of Tyre. Although this took place with the agreement of the patriarch of Jerusalem, Fulcher, who had before coming to Outremer been abbot of an Augustinian community at Angoulême, tried to use the dispute over jurisdiction to the advantage of Tyre. Travelling to Rome to receive the pallium from the hands of Innocent II also gave him the opportunity to negotiate with the pope about the status of Tyre. William of Tyre had an obvious interest in reporting the history of the disputed status of the archbishopric in his chronicle, since it was the see that he himself occupied. His contention that Innocent recognized Tyre as enjoying special status as first among the metropolitan sees of the patriarchate of Jerusalem should therefore be followed cautiously.²⁴ In going to Rome, however, Fulcher seems to have given the pope an opportunity to exercise authority directly over the Church in Outremer. In a letter inserted by William into his chronicle, Innocent threatened to remove the see of Tyre from patriarchal jurisdiction and place it under the direct subjection

21 Hamilton, *Latin Church*, 72.

22 William of Tyre, *Chronicon*, 537 (xi.28).

23 J.G. Rowe, 'The Papacy and the Ecclesiastical Province of Tyre (1100–1187)', *Bulletin of the John Rylands Library*, 43 (1960–1), 160–89; see also Jacques de Vitry, *Historia Orientalis*, lv, ed. F. Moschus (Douai, 1597), 92–4.

24 William of Tyre, *Chronicon*, 642–6 (xiv.11–12).

of Rome.²⁵ Such a move would clearly benefit the status of Tyre while at the same time emphasizing the practical effects of papal authority. As Edbury and Rowe pointed out, however, there was a degree of disingenuity in this version of events, since in separate letters of 1137 and 1138, which William did not cite, Fulcher was instructed in no uncertain terms to recognize the patriarch of Jerusalem as his superior, and in a bull of 1138, Innocent formally confirmed Tyre as a metropolitan see in the patriarchate of Jerusalem.²⁶

Edbury and Rowe conclude that the papal treatment of the whole episode indicates a disjuncture between papal claims to supreme authority over the Church and the ability of individual popes to effect a coherent policy of control: popes, they conclude, received petitions from the East 'and normally tell their petitioners what they wanted to hear'.²⁷ This is doubtless true, not least in the sense that it must often have been difficult to direct affairs from such a great distance. Nevertheless, the disputed status of Tyre had provided the papacy, in the decade before Eugenius became pope, with opportunities to intervene, judge, and clarify jurisdictional questions as never before since the coming of the Franks to Outremer. It is also noteworthy in this respect that the archbishop of Tyre who had pressed the matter almost to its limits, Fulcher, became patriarch of Jerusalem in 1145. Having put the Church of Tyre into a position under Innocent II in which the papacy was afforded an opportunity to consider placing it under direct papal control, Fulcher was perhaps not in the best position to maintain the independence of Jerusalem from Roman oversight.²⁸

In trying to identify something distinctive about Eugenius III's involvement with the Crusader States between 1145 and 1153, the obvious place to look is in Eugenius's own background. As Eugenius's former abbot and subsequent mentor, Bernard of Clairvaux, advised in the *De consideratione*, that in order to understand the pope, you must first strip away title, trappings, and election, and understand the person.²⁹ Bernard's attitude to episcopal office privileged the moral and spiritual qualities of candidates above all.³⁰ Such qualities, moreover, were more likely to be found among

25 Ibid., 642–4 (xiv.11).

26 *Cartulaire du Saint-Sépulcre*, 223–35 nos 104–6; Edbury and Rowe, *William of Tyre*, 121–3.

27 Edbury and Rowe, *William of Tyre*, 123.

28 Hamilton, *Latin Church*, 73, remarks on Fulcher's surprising withdrawal from public life as patriarch of Jerusalem, attributing it to the patriarch's adherence to Queen Melisende in her dispute with Baldwin III.

29 Bernard, 'De Consideratione', 414–15 (ii.6–7); Bernard, *On Consideration*, 52–4.

30 See, for example, his choice between Innocent II and Anacletus II in the papal schism of 1130, in which the personal piety of Innocent trumped the irregularity of his election, Bernard,

the ranks of those dedicated to a monastic life, and if one were going to choose a monk, it made sense to consider those who belonged to the 'most monastic' community; in other words, a Cistercian. Eugenius's Cistercianism, then, ought to present a critical point of contrast with previous popes. Examination of two particular points in Eugenius's pontificate will help us to judge whether the approach taken to problems in the Crusader States by the first Cistercian pope can be understood, as it were, monastically.

The first episode is the dispute between the monks of Notre-Dame de Josaphat and the archbishopric of Nazareth. Notre-Dame, situated just to the east of the walls of Jerusalem in the Kidron Valley, was one of the wealthiest and most prestigious monasteries in the Holy Land.³¹ It owed this status partly to its pre-First Crusade foundation, but more to its possession of the tomb of the Blessed Virgin, a popular pilgrimage shrine that enabled the community to appeal to the patronage of wealthy laypeople in both East and West. Eugenius III's first recorded act on becoming pope in respect of the Church in the Crusader States was a confirmation, dated May 1145, in favour of Notre-Dame, for its possession of two churches together with their tithes in Galilee, at Ligio and Thanis. Both had initially been granted thirty years previously by Bernard, bishop of Nazareth.³² The need for this confirmation sounds a warning that trouble was at hand. In the following year, papal intervention was required to deal with a serious altercation that had arisen between the monks of Josaphat and the current incumbent at Nazareth, Archbishop Robert, over possession of the church at Ligio.³³ Some years earlier, apparently, the archbishop had had the locks of the church broken and the monks who served the church ejected, but been brought to heel by the patriarch after a plea to Rome. After Innocent II's death, however, Robert had installed his own chaplain in the church, apparently in order to say Masses for the soul of the deceased lord of Galilee, William of Bures, but also with a view to collecting the tithes for his own use. This chaplain was given

'Epistolae', vii, 332 no. 126; William of Malmesbury, *Historia novella*, ed. E. King and K.R. Potter (Oxford, 1998), 12–18 (i.5–7); for Bernard's role in its wider context, see H. White, 'The Gregorian Ideal and Saint Bernard of Clairvaux', *Journal of the History of Ideas*, 21 (1960), 321–48, but also the response by J.R. Sommerfeldt, 'Charismatic and Gregorian Leadership in the Thought of Bernard of Clairvaux', in *Bernard of Clairvaux: studies presented to Dom Jean Leclercq*, Cistercian Studies Series, 23 (Washington DC, 1973), 73–90.

31 As demonstrated by the extensive possessions recorded in the cartulary, *Chartes de la Terre-Sainte provenant de l'abbaye de Notre-Dame de Josaphat*, ed. H.-F. Delaborde, Bibliothèque des Écoles françaises d'Athènes et de Rome, 19 (Paris, 1880); Ch. Kohler, 'Chartes de l'abbaye de Notre-Dame de la Vallée de Josaphat en Terre-Sainte', *Revue de l'Orient latin*, 7 (1899), 108–222.

32 *PU Heiligen Lande*, 181–2 no. 59.

33 *PU Heiligen Lande*, 183–7 no. 60.

rights as parish priest by the archbishop, even though the advowson of the church clearly belonged to Notre-Dame. For a short while the church seems to have been used by both the monks and the archbishop's chaplain, but this compromise ended unhappily when one day the monks were interrupted while saying Mass by a clerk of the chaplain who burst in at the moment of the elevation of the Host and assaulted the celebrant. The lay congregation had to intervene to restrain this man from causing serious injury. When the monks threatened an appeal to the patriarch, the archbishop's henchmen taunted them by saying: 'What good are your Roman privileges to you now? The pope [who granted them] is dead, and unless you make peace with [the archbishop], you will have nothing.'³⁴ Eugenius was thus asked by the monks of Notre-Dame to reconfirm the original grant of tithes and property. The case was not settled until 1161, when a successor as archbishop of Nazareth recognized the right of Notre-Dame to administer the parish through its own monks, but at the same time insisted on the right of canonical obedience from any priests appointed to serve the church.³⁵

On the surface, this episode looks like a straightforward case of a bullying prelate trying to take advantage of an absentee landlord, Guy, abbot of Notre-Dame, who must have been represented only by a small and vulnerable community at Ligo. The local context adds some light and shade to this picture, but does not substantially help us to interpret it. In one respect, the cause of the dispute was unremarkable, and could be found repeated in numerous cases across Christendom, since the grant of parish churches and their income to monasteries cut into the main source of diocesan income: parochial tithes. In Outremer, however, such grants were comparatively rare. Notre-Dame, one of the wealthiest monastic establishments in the East, had only thirteen parochial benefices throughout the kingdom of Jerusalem, the county of Tripoli, and the principality of Antioch.³⁶ The monastery of St Mary Latin in Jerusalem had eight or nine churches, the Augustinian community of the *Templum Domini* four and the Augustinians of Mt Zion only three.³⁷ In contrast, Notre-Dame de Josaphat enjoyed possession of thirty-three churches in south Italy by c.1150.³⁸ One reason for the relative poverty of spiritual possessions granted to monasteries in Outremer was probably that the number of parishes with Latin congregations was relatively small,

34 *PU Heiligen Lande*, 186 no. 60, Delaborde, *Chartes de la Terre-Sainte*, 35–6 no. 9.

35 Delaborde, *Chartes de la Terre-Sainte*, 56–8 no. 24, 58–9 no. 25, 64 no. 26, 82–3 no. 35.

36 Hamilton, *Latin Church*, 98–9.

37 *Ibid.*, 99.

38 *Ibid.*, 99, citing Delaborde, *Chartes de la Terre-Sainte*, 72–8 no. 31.

at least in the early years of the kingdom. Moreover, monasteries such as Notre-Dame were able to compensate for the shortfall in tithe income in Outremer with possessions, both temporal and spiritual, elsewhere in Christendom. In contrast with most monasteries elsewhere in the Christian world, Notre-Dame and other shrine monasteries in the Holy Land could count on substantial bequests and grants as a function of their status as guardians of these shrines. Thus, the loss of parochial tithes probably meant more in financial terms to the archdiocese of Nazareth than did the gain to the monastery. This much is implied in the archbishop's demand that he would not agree to any accord to end the dispute unless Notre-Dame guaranteed compensation of half the tithes, or a mark of gold.³⁹ Eventually the monks of Notre-Dame seem to have agreed to pay an annual sum of a mark, together with a roll of wax and one of incense.

Although the case did not become contentious in the same way as the Ligio affair, similar problems arose from Notre-Dame's possession of a church dedicated to St George outside the city of Tiberias.⁴⁰ At the time of the original grant, by Bishop Bernard of Nazareth, Tiberias did not yet constitute a see of its own, but lay within Nazareth. In 1144, however, Tiberias became a see in its own right, and the bishop began to take steps to safeguard his interests.⁴¹ In 1178 the archbishop of Nazareth drew up a concordat between the bishop of Tiberias and Notre-Dame, in which the episcopal side of this similar case was presented. The monks were accused of drawing parishioners away from the cathedral parish, thereby threatening its financial health. The concordat prohibited the monks serving St George from conducting baptisms, marriages, or the purification of women, and permitted burials only of monks or Orthodox Christians in the cemetery of St George's.⁴² This agreement appears to mark a turn of the tide in the dynamic between the monastic Orders and the episcopal establishment. It is significant that in both the Ligio and St George cases, the monks seem to have built up strong congregations; at any rate, one willing to take the monks' side and stand up to the violence offered by the archbishop's chaplain at Ligio, and at St George's, apparently one sizeable enough to draw parishioners away from the cathedral to a church outside the city. This may attest to the greater appeal of monks as parish priests than those appointed by bishops, which

39 *PU Heiligen Lande*, 186 no. 60.

40 Kohler, 'Chartes de l'abbaye de Notre-Dame', 87–8 no. 2.

41 H.E. Mayer, *Bistümer, Klöster und Stifte in Königreich Jerusalem*, MGH Schriften, 26 (Stuttgart, 1977), 81–97.

42 Delaborde, *Chartes de la Terre Sainte*, 87–8 no. 40; Hamilton, *Latin Church*, 100.

itself throws an interesting sidelight on clerical manpower in the Church in Outremer. By the 1170s, however, the bishops were fighting back, and the concordat of 1178 regarding St George's dates from only a year before a delegation of bishops went to the Third Lateran Council to protest against the Hospital of St John's exemptions from episcopal jurisdiction, as granted in the papal bull *Christianae fidei religio* (1154).⁴³ Local problems arising from Hospital exemptions that are very similar to the Notre-Dame cases were settled in Jaffa in 1175 and Apamea in 1176.⁴⁴

So much for the local context. How does this case fit into the more general pattern of similar cases dealt with during Eugenius's pontificate? Charles Spornick calculated that, of the thousand or so privileges datable to Eugenius's reign, 367 were to monasteries, and that most of these, like the case of Notre-Dame, were responses to petitions from monastic communities seeking protection of property or rights.⁴⁵ Did Eugenius follow a distinct policy, on receipt of such petitions, of protecting monastic rights, and where necessary, of extending exemptions – or do the petitions themselves indicate that monastic communities expected to find in Eugenius a sympathetic ear in relation to their problems? The Notre-Dame case bears some similarity, as already hinted, to a more complex and protracted three-cornered affair centred on the Cluniac monastery of Vézelay. Here, the monks sought to defend their temporalities against the count of Nevers and their exempt status against the bishop of Autun. In 1146 Eugenius appointed Hugh, bishop of Auxerre as mediator in an ongoing dispute between the abbot of Vézelay and the bishop of Autun.⁴⁶ Four years later, he wrote to the bishop to represent the complaints of the abbey that his men had violated monastic properties and rights: stealing horses and oxen belonging to the abbey, carrying off grooms and their equipment and causing injury to men and property alike. The bishop was required to make proper restitution to the monks and to appear before Hugh of Auxerre to accept his judgment on the case.⁴⁷ Since the case had first arisen, the general landscape had altered, or at least become clearer to Eugenius. According to John of Salisbury, at the Council of Reims in 1148, over which Eugenius presided, many

43 William of Tyre, *Chronicon*, 996 (xxi.25 [26]), 812–14 xviii. 3), and 817–22 (xviii.6–8), on the patriarch of Jerusalem's attempt to have the privileges of this bull annulled.

44 Hamilton, *Latin Church*, 106.

45 C. Spornick, 'The Life and Reign of Pope Eugene III (1145–1153)', unpublished PhD Dissertation, University of Notre Dame (1988), 291 n. 9.

46 Peter the Venerable, *Letters*, ed. G. Constable, 2 vols (Cambridge, MA, 1967), ii, 218.

47 *Monumenta Vizelicensia*, ed. R.B.C. Huygens, CCCM 42 (Turnhout, 1976), 334–5 no. 38. The whole affair is discussed by Spornick, 'Life and Reign of Pope Eugene', 310–20.

French prelates took the opportunity to press claims of jurisdiction over monasteries in their sees: the bishop of Paris over Saint-Germain des Prés, the archbishop of Sens over Ferrières and Saint-Colombe, the archbishop of Rouen over Fécamp, to name a few examples. One such claim was made by the bishop of Autun over Vézelay. All these claims were rejected, and John's report makes clear that Eugenius gave them short shrift, regarding them in the same light as the misguided claim of the archbishop of Lyons to primacy over other archbishoprics.⁴⁸

The matter did not end here, however. In 1151 Bishop Henry of Autun went to Rome to petition for the rescinding of Vézelay's exempt status. The bishop's argument was that since he performed ordinations of Vézelay monks to the priesthood, consecrated its altars, and had rights of visitation, exempt status was inappropriate for the abbey. Eugenius in response summoned Abbot Pons of Vézelay to Rome for a reconciliation with the bishop, instructing him to bring with him the documentation on which his claims were based.⁴⁹ Eugenius appointed three judges delegate, all Cistercians, to take depositions from Bishop Henry's witnesses, who, the bishop claimed, were too elderly or weak to travel to Rome.⁵⁰ The case of Vézelay was complicated by the fact the abbey was also resisting claims against its exempt status from Count William II of Nevers. In 1146 William had been ordered by Eugenius III to stop harassing the monks of Vézelay, to which William had responded that the monastery was undermining comital authority by levying tolls on roads leading to Vézelay.⁵¹ In 1151, the count now joined forces with Bishop Henry in response to what looked like a papal judgment in the abbey's favour: when Abbot Pons returned from Rome, the count attacked the abbey again, this time forcing the abbot into exile.⁵² Eventually Eugenius convened another court to judge Bishop Henry, to be presided over by Bishop Godfrey of Limoges as judge delegate. When Henry refused to appear, he was summoned to Rome to answer the abbot of Vézelay's new charges and a further charge of permitting three of his priests to say Mass in the town of Vézelay when it had been placed under

48 JS *HistPont*, 4–6.

49 R. Graham, *An Abbot of Vézelay: Pons de Montboissier* (London, 1918), 84–6. H.E.J. Cowdrey, *The Cluniacs and the Gregorian Reform* (Oxford, 1970), 86–7, shows that Bishop Henry's argument was specious, since Vézelay could seek ordinations and consecration from any bishop, not only their own diocesan.

50 *Monumenta Vizelicensia*, 343–4 no. 44.

51 *Monumenta Vizelicensia*, 314–15 no. 28.

52 Spornick, 'Pope Eugene III', 318; Graham, *An abbot of Vézelay*, 94–5.

interdict.⁵³ Ultimately, the untidy affair remained unresolved on Eugenius's death in 1153.⁵⁴

In both the Vézelay and Notre-Dame de Josaphat cases, the monastery was able to submit documentary evidence in support of its claims, but was subjected to acts of violence by the other parties – doubtless a sign of frustration at their inability to counter such evidence, and the fear that written privileges, even those granted in circumstances that had since altered, would trump 'justice' or the needs of the present. In both cases, Eugenius ruled in favour of the monastery's claim to ownership of tithes as well as exemption from episcopal jurisdiction. Charles Spornick has argued that in so far as Eugenius's reign reveals a policy on monastic exemptions, it was a policy followed on a sporadic, case-by-case basis. Individual monasteries might be exempted, but exempt status was only confirmed in response to a request for the confirmation of a privilege already claimed by the monastery.⁵⁵ There was thus no attempt by the papacy either to pre-empt the workings of local power dynamics or to create a pattern that might cut across such dynamics. Not until Pope Alexander III was there any attempt to establish criteria for exemption that might be applied to an Order or an association of monasteries.⁵⁶ An exception might be made, however, that hints at such thinking already in Eugenius's pontificate. The Rule of the Knights of St John in Jerusalem was probably approved by Eugenius before his death in 1153. Although the bull *Christiane fidei religio*, granting the Hospital recognition of rights that cut across local episcopal jurisdiction, was not promulgated until 1154, it seems likely that this bull merely gave formal approval to a situation that already applied.⁵⁷ The main innovation in the bull was the right given to the Hospital to ordain its own priests. Once this right was granted, it followed that issues such as those highlighted by the Notre-Dame/Nazareth case would arise, since the existence of priests presupposes sacramental ministries that would normally come under episcopal oversight. Earlier Hospitaller documentation, however, shows that priests had been members of the Order for many years before 1154, and it therefore seems, as Riley-Smith has argued, 'that *Christiane fidei religio*

53 *Monumenta Vizelicensia*, 353 no. 49.

54 Peter the Venerable, *Letters*, ii, 244, reports the end of the affair under Pope Anastasius IV, with the capitulation of Count William.

55 Spornick, 'Pope Eugene III', 294–6.

56 D. Knowles, 'The Growth of Monastic Exemption', *Downside Review*, 50 (1932), 201–31 and 396–436.

57 J. Riley-Smith, *The Knights of St John in Jerusalem and Cyprus c.1050–1310* (London, 1967), 49–50, and see now his *The Knights Hospitaller in the Levant c.1070–1309* (Basingstoke, 2012), 156.

was merely giving formal approval to that which had been practised for years.⁵⁸ If this is indeed the case, then it is also likely that the content of the bull was anticipated, perhaps even drafted, before Eugenius's death, and that the confirmation of the Rule and the bull were intended to go together.

A further aspect of the Notre-Dame/Nazareth case is the award by Eugenius of the tithes of Ligio to Notre-Dame.⁵⁹ We might expect that Cistercian ideals would have influenced Eugenius against permitting monasteries to accept tithes, but in practice the pope upheld the policy of previous popes such as Paschal II in regarding tithes as permissible on the grounds that monasteries performed works of charity. As Eugenius told the assembled bishops at the Council of Reims, monks were the poor of Christ, and deserved to be protected by bishops through receipt of tithes from churches in their ownership.⁶⁰ Giles Constable has shown that the majority of Eugenius's exemptions to monasteries, of which there were over a hundred, were made in favour of recently founded houses, which were more likely to suffer from financial insecurity than such exemptions might help to alleviate.⁶¹ It would be difficult to argue, however, that Notre-Dame, which by the middle of the twelfth century already owned property across the Mediterranean, fell into that category. It may have been judgments of this kind that so infuriated Bernard of Clairvaux when in the *De Consideratione* he complained that tithe exemptions were a means to an end, but that the result was all too often that monks were 'liberated' not so much from episcopal jurisdiction as from their own vows of poverty.⁶²

More problematic, perhaps, is that Eugenius's settlement of the Notre-Dame case in favour of the monks also appears to uphold a monastic practice that he would equally condemn as an abuse in a different case: the performance of parochial ministry by monks. The Notre-Dame community, having been given the church of Ligio, could have appointed secular clergy to

58 Riley-Smith, *Knights of St John*, 50.

59 *PU Heiligen Lande*, 200 no. 66.

60 Gerhoch of Reichersberg, *Liber de laude fidei*, in D. van den Eynde and A. Rijmersdael, *Opera inedita*, 3 vols (Rome, 1955), i, 208–9; G. Constable, *Monastic Tithes From their Origins to the Twelfth Century* (Cambridge, 1964), 278. P. Landau, 'Seelsorge in den Kanonessammlungen von der Zeit der gregorianischen Reform bis zu Gratian', in *La pastorale della Chiesa in Occidente dall'eta ottoniana al concilio lateranense IV* (Milan, 2004), 93–123.

61 Constable, *Monastic Tithes*, 244–5. The general principle was adumbrated in Eugenius's letter to the monks of the province of Narbonne, *PL*, clxxx, 1594: 'Nihilominus quoque vobis praestium auctoritate mandamus, ut oblationum et decimarum portionem quae a populo provenit, et secundum statuta canonum ad jus archiepiscopi spectare dignoscitur, exceptis his quae vobis a sede apostolica specialiter de his indulta sunt, ei absque contradictione aliqua persolvatis.'

62 Bernard, 'De Consideratione', 443–4 (iii.4); Bernard, *On Consideration*, 99–100.

undertake the ministry on their behalf, but the wording of the papal letters in the case makes it clear that it was monks rather than secular vicars who were saying Mass at Ligio.⁶³ This runs counter to Eugenius's ruling in a dispute between the archbishop of Narbonne and the abbot of the Benedictine monastery of SS. Pontius and Crassenus in May 1153. The case originally turned on the abbot's support for men who had been excommunicated by the archbishop, but the pope proceeded to the more general question of archiepiscopal jurisdiction.⁶⁴ Citing a decree of Pope Urban II at Clermont (1095), Eugenius forbade the monks of SS. Pontius and Crassenus to baptize, to give penances to the laity, or to celebrate the Eucharist in the parish churches in their possession, all of which were 'against the rule of [their] profession'.⁶⁵ This was tantamount to denying the Narbonne monks the very privilege that he had previously upheld for the Notre-Dame monks. It may be that pragmatic considerations explain the apparent inconsistency. In Narbonne there was presumably no shortage of priests who might be appointed to carry out pastoral ministries, whereas in the kingdom of Jerusalem there may not have been enough Latin priests to serve rural parishes.

The last feature of Eugenius's dealings with the Church in Outremer to be considered here concerns relations with the Greek Orthodox and Armenian Churches in the Crusader States. In 1137 Armenian as well as Latin bishops in Cilicia were expelled from their sees by the Byzantine invasion of a region where Armenian military and political support was especially valued by the Frankish rulers of Antioch as a buffer against Byzantine claims to suzerainty. Four years later, in 1141, the papal legate to the East, Alberic of Ostia, invited the Armenian Catholicos Gregory III Pahlavuni to a synod in Jerusalem, and accepted Gregory's profession of faith as a token of his willingness to work for union with Rome.⁶⁶ One view of the involvement of the catholicos was that the Armenians, along with the Syrian Orthodox, had been accused of heresy by the Greeks and wished to defend themselves in front of the legate.⁶⁷ We have three incompatible

63 *PU Heiligen Lande*, 186 no. 60.

64 *PL*, clxxx, 1593 no. 579.

65 *PL*, clxxx, 1594 no. 580; R. Somerville, *The Councils of Pope Urban II, i: Decreta Claromontensis* (Amsterdam, 1972), PC3–PC4, 139–41; U. Berlière, 'L'exercice du ministère paroissial par les moines du XIIe au XVIIIe siècle', *Revue Bénédictine*, 39 (1927), 340–60.

66 William of Tyre, *Chronicon*, 685 (xv.18); B. Hamilton, 'The Armenian Church and the Papacy at the Time of the Crusades', *Eastern Churches Review*, 10 (1978), 65–6; C. MacEvitt, *The Crusades and the Christian World of the East: rough tolerance* (Philadelphia, 2008), 162–3.

67 *Chronique de Michel le Syrien, patriarche jacobite d'Antioche*, ed. and trans. J.-B. Chabot, 4 vols (Paris, 1899–1924), iii, 255–6 (xvi.10). Whether Gregory was specially invited or whether, as the Armenian chronicler Samuel of Ani thought, he happened to be in Jerusalem at the time

views of the outcome of the synod as regards the Armenian position. The Armenian chronicler Samuel of Ani says breezily that the catholicos's profession of faith assured the legate of his orthodoxy, but William of Tyre hints at problems from the Roman perspective about Armenian doctrines, and a promise from the catholicos of reform on such matters.⁶⁸ Michael the Syrian, the Syrian Orthodox chronicler, barely attempts to conceal his partisanship in reporting that while his Church's representative willingly took an oath that the doctrines which he had publicly professed were indeed those of his Church, Gregory III refused to do so, and the Armenians were thus considered heretics by the Latins.⁶⁹ In fact previous Armenian contact with Rome, while by no means extensive, included correspondence between Pope Gregory VII and the Catholicos Gregory II in 1080, so the Armenian position was hardly new to twelfth-century popes.⁷⁰

Eugenius's continuing courtship of the Armenians may have been part of a wider crusading strategy, in the light of intended western aid for the recovery of Edessa. Armenians as well as Franks had suffered from the growing power of the Seljuq ruler of Mosul and Aleppo, Zangī, in 1144. But his interest in the Armenian Church should also be seen in the context of wider concerns about Christian ecclesiology. In 1145 Armenian delegates arrived in Italy to visit the pope. Otto of Freising was an eyewitness to their arrival at Vetralla, where the pope was staying in the first two weeks of December. Their presence thus coincided with the launch of the crusading bull *Quantum praedecessores*. The Armenians, according to Otto, asked Eugenius for a ruling on the correct date of Christmas and the proper form that the Eucharist should take: both matters over which they had been in dispute with the Greek Orthodox Church. The specific issues concerned the use of leavened or unleavened bread – the Armenians, contrary to Otto's impression, used unleavened bread – and whether the Nativity and Epiphany should be celebrated on the same feast. Eugenius invited the Armenian delegates to observe how the Eucharist should be celebrated by attending a papal high Mass at St Peter's. Eugenius may have been surprised to learn afterwards from one of the Armenians that a sunbeam in the shape of a halo had been seen around the papal head during the celebration of the holy mysteries.⁷¹ In conjunction with the catholicos's participation in

anyway, is unclear, *Extrait de la Chronographie de Samuel d'Ani*, Recueil des historiens des croisades: documents arméniens, 2 vols (Paris, 1869–1906, repr. Farnborough, 1967), i, 449–50.

68 Samuel of Ani, *Extrait de la Chronographie*, 450; William of Tyre, *Chronicon*, 700–1 (xv.19).

69 *Chronique de Michel le Syrien*, 255–6 (xvi.10).

70 *Das Register Gregors VII.*, ii, 509–10 no. vii.28 and 510–14 no. viii.1.

71 *Duabus civitatibus*, 360–3 (vii.32).

the synod of Jerusalem and profession of faith, it is not surprising that Otto of Freising takes this Armenian approach, and indeed the miracle of the halo, as a sign of the Armenian acceptance of Roman primacy. In fact it probably has more to do, on the Armenian side, with the hope that, in an anti-Byzantine climate, Armenians and Latins could co-operate.

Eugenius's attitude to the Greek Orthodox Church, however, should not necessarily be subsumed into general suspicions about Byzantine behaviour in the East. He seems to have been interested in some liturgical and theological aspects of Orthodoxy. At some point before 1151 Eugenius wrote to the patriarch of Antioch requesting a translation of John Chrysostom's Commentary on St Matthew's Gospel, and this work was duly commissioned from Burgundio of Pisa, one of the small group of Latin scholars in the East who knew Greek.⁷² What Eugenius wanted with this text remains uncertain, but in 1149 he also requested from Anselm of Havelberg a résumé of Orthodox theological doctrine, based on Anselm's own experiences of public debate with an Orthodox theologian in Constantinople in 1136 in his role as the ambassador of Emperor Lothar III.⁷³ It is worth recalling that before his election in 1145 Eugenius had been sent from Clairvaux to restore the monastery of Tre Fontane outside Rome, which had until the late tenth century been an Orthodox monastery dedicated to St Anastasius.⁷⁴ Perhaps some local memories of long-gone Orthodox practices, or even just antiquarian curiosity on Eugenius's part, may have stimulated the interest of the Cistercian monk in Orthodoxy.

The dating of Eugenius's request for information about Orthodox doctrine, however, need not have been coincidental. Perhaps the most dramatic event in the Holy Land to occur in Eugenius's pontificate – and certainly that with the greatest visual impact – was the consecration of the newly rebuilt and decorated church of the Holy Sepulchre, in 1149. Although the work had been underway since the 1120s, the main period of construction occurred in the 1140s, especially after a lightning strike in 1146 forced an architectural

72 *PU Heiligen Lande*, 201–2 no. 67. On Burgundio's translation activities, see P. Classen, 'Burgundio von Pisa; Richter, Gesandter, Übersetzer', *Heidelberger Akademie der Wissenschaften. Sitzungsberichte. Philosophisch-historische Klasse*, 4 (1974), 1–106; N. Wilson, 'New Light on Burgundio of Pisa', *Studi italiani di filologia classica*, 3rd ser., 4 (1986), 112–18; I. Backus, 'John of Damascus, *De fide orthodoxa*: translations by Burgundio (1153/4), Grosseteste (1235/40), and Lefèvre d'Étaples (1507)', *Journal of the Warburg and Courtauld Institutes*, 49 (1986), 211–17.

73 Anselm of Havelberg, *Dialogi*, Prologus, *PL*, clxxxviii, 1139–40; P. Harang (trans), 'Dialogue entre Anselme de Havelberg et Nechites de Nicomédie sur la procession du Saint Esprit', *Istina*, 17 (1972), 375–425.

74 Filippo Caraffa, 'SS Vincenzo ed Anastasio alle Tre Fontane,' *Monasticon Italiae, i: Roma e Lazio*, ed. Filippo Caraffa (Cesena, 1981), 84–5.

change of direction.⁷⁵ One of the characteristic features of the rebuilding, as pilgrim accounts clearly testify, was an altar set aside for the Orthodox liturgy to be said as well as the Latin. The papal request for Chrysostom's commentary on Matthew makes good sense in this context, for chapters of this work were read as homilies in the Orthodox liturgy at various times during the calendar. It was the sign of an aware and monastically trained pope to want to know what form the Greek liturgy in the Holy Sepulchre was to take. Anselm's *Dialogus*, moreover, represented the most up-to-date western perspective on the Orthodox position on the procession of the Holy Spirit and the celebration of the Eucharist – the latter of which, as we have seen, Eugenius had dealt with during the Armenian visit to Italy in 1145.

In the *De consideratione*, Bernard of Clairvaux reminded the pope that the Greeks, though sharing the same doctrine as the Roman Church, were not in harmony with it; having 'hobbled from the right path', they were 'with us and not with us'.⁷⁶ In the same work, Bernard used the imagery of Peter walking on the water of the Sea of Galilee to demonstrate the dominion over the whole earth that his successor, the pope, rightfully enjoyed.⁷⁷ In his dealings with both the Armenians and the Orthodox, Eugenius, if not quite walking on water, upheld without pressing too heavily the case of papal authority. He was less interested, indeed, in the ecclesiological issue of primacy than in the pope's pastoral role as overseer of all Churches. Just as he ruled on Armenian liturgical customs, so also he seems to have subjected Orthodox liturgy in Jerusalem to papal scrutiny. The invitation to the Armenian envoys to the Mass in St Peter's is particularly revealing in its sense of papal dignity and self-confidence. In this vignette, Eugenius becomes the first pope since Urban II to reveal himself as a vicar with a universal ministry over the whole world.

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75 J. Folda, *The Art of the Crusaders in the Holy Land, 1098–1187* (Cambridge, 1995), 177–245.

76 Bernard, 'De Consideratione', 433–4 (iii.1); Bernard, *On Consideration*, 83–4.

77 Bernard, 'De Consideratione', 424 (iii.8); Bernard, *On Consideration*, 68.

Index

People

- Abelard, Peter 72, 82-3, 88-9, 198, 212-3
Adrian IV, pope 273, 308
Afonso Henriques, king of Portugal 221-4
Ailred, abbot of Rievaulx 104, 108, 110, 309
Aimeric, cardinal deacon and papal chancellor 44-5, 73, 198
Alberic of Ostia, cardinal 111-2, 128-30, 183, 200-1, 212, 343, 355-6
Alexander III, pope 144, 167, 299
Alfonso VII, king of León-Castile 224-7
Anastasius IV, pope 86
Anselm, bishop of Havelberg 25, 79-80, 158, 162, 165-7, 357-8
Arnold of Brescia 72, 82-4, 255-60
Arnulf, bishop of Lisieux 143
- Bernard of Clairvaux 77, 96-100, 222, 282
 De consideratione 20-1, 71, 92-3, 98-100, 313, 347, 358
 and canon law 27-8, 67
 and Gilbertine Rule 338
 and monastic privileges 24, 312-15
 and papal leadership 121
 and Roman Curia 19, 71-2, 198
 and Second Crusade 125-7, 138-46
 and theological controversy 89-95
 and Wendish Crusade 22, 147-52, 156-73
 and York archiepiscopal election 21, 101-23
 see also Eugenius III, Pope; Gilbert de la Porrée
- Bernard of Morlas 74-5
Bernardo Paganelli *see* Eugenius III, pope
Bernard Silvestris 75-6
Bernat Tort, archbishop of Tarragona 232, 235-6, 240-1
Boso, cardinal 69-70, 247, 252, 260, 267, 272-4, 287-8, 303-4
Bucco, bishop of Worms 157
Burgundio of Pisa 40, 80-1
- Calixtus II, pope 42-3, 172, 285
Celestine II, pope 44-5, 247
Celestine III, pope *see also* Hyacinth 97, 198, 238
Cencius *camerarius* 285-6
Charlemagne 283
Conrad III, emperor 79, 98, 141-2, 147-8, 151-2, 205, 244
Constable, Giles 148-9, 354
- Eleanor of Aquitaine 22-3, 202-3
Eugenius III, pope
 and Bernard of Clairvaux 17-20, 70, 96-100, 125-6, 158-74, 198-9
 and canon law 58-68
 and Church in Crusader States 24, 341-58
 and Cistercians 24, 305-40, 348
 and England 318
 and France 197-218
 and Greek translation 79-81, 357
 and Iberian peninsula 219-42
 and Patrimony of St Peter *see* Papal States
 and Roman commune 23, 243-70, 285
 and Roman law 30-57
 and theologians 69-100
 as *vicedominus* in Pisa 17, 23, 38-9, 248, 273, 275-82, 302
 election to papacy 17-18, 125-6, 244, 246-9, 274-5
 financial management 286-7
 journey to France 22, 171-96, 207, 327
 legal judgements 18-19, 34-7, 48-9
 Second Crusade 21, 125-70, 203-9, 219-31, 342
 see also SS. Vincenzo e Anastasio; Wendish Crusade; York, archbishopric of
- Fulcher, archbishop of Tyre 346-7
- Gelasius II, pope 172
Geoffrey of Auxerre 113, 326-7
Geoffrey of Langres 204-5
Geoffrey of Viterbo 246
Gerhoch of Reichersberg 28-9, 40, 67, 84-6, 249-50, 253
Gervase of Canterbury 97
Gilbert Foliot, bishop of Hereford and London 56-7
Gilbert de la Porrée, bishop of Poitiers 20, 72, 87-91, 94-5, 180, 212-13
Gilbert of Sempringham 322-3, 331-2, 335-8
 see also *Book of St Gilbert*
Godfrey, bishop of Langres 143
Gratian 33, 44
Guido da Caprona, cardinal deacon and chancellor 129, 189, 287
- Helmold of Bosau 155 n. 36, 168 n. 88, 223 n. 15
Henry of Blois, bishop of Winchester 107, 112-13
Henry of Huntingdon 192
Henry Murdac, abbot of Fountains, archbishop of York 104, 109, 117, 120, 319

Henry de Sully 106
 Hildegard of Bingen 20, 76–9, 190
 Honorius II, pope 44, 67, 285
 Hugh, bishop of Jabala 126 n. 6, 151, 203
 Hyacinth, cardinal 72–3, 97, 184, 198, 213, 289

Imar, cardinal 200
 Innocent II, pope 17, 281–2
 and Cistercians 306–7, 309
 and Crusader States 342–3, 346
 and France 172–4, 202, 215
 and papal schism 121, 127–8, 130, 244, 247
 and Roman commune 245, 255
 and Roman law 45
 and York election 106, 108, 113, 117
 Innocent III, pope 93, 239, 273, 303–4
 Ivo, bishop of Chartres 137

João Peculiar, archbishop of Braga 225, 232–4
 John of Damascus 81
 John of Salisbury 23, 216, 318–19
 and Arnold of Brescia 256, 260
 and Council of Reims (1148) 351–2
 and Eugenius III 18, 191, 302–3
 and law 55, 59
 and Louis VII 203
 and Rome 210, 249–50, 253, 256, 260
 and Second Crusade 143
 and theological controversy 72, 79, 90–1, 93–5
 see also Hildegard of Bingen
 Justinian 50
 see also Eugenius III and Roman law

Leo IX, pope 284
 Louis VII, king of France 126–7, 140–1, 173–5,
 202–9, 217
 Lucius II, pope 17, 73, 109, 128, 144, 221, 232,
 245–7, 266

Malachy, archbishop of Armagh 119
 Manuel Komnenos, emperor 141

Nicholas II, pope 284

Odo of Deuil 203
 Otto I, emperor 153
 Otto, bishop of Freising 88, 90–4, 129–31, 152–3,
 192–3, 203–4, 245, 247–8, 249, 254, 356

Paschal II, pope 172, 346
 Peter the Venerable, abbot of Cluny 50–1, 53,
 129, 192, 200, 324
 Pullen, Robert, cardinal 73–4, 287

Ralph Diceto 204
 Ramon Berenguer IV, count of
 Barcelona 227–30
 Ranieri, bishop of Siena 47
 Raymond des Arènes 53–4
 Richard, abbot of Fountains 114
 Robert of Torigni 192
 Roger II, king of Sicily 83, 98

Saxo Grammaticus 168–9
 Serlo, abbot of Savigny 322–4, 330–5
 Stephen of Obazine 322–4, 328–9, 332–3, 337
 see also Obazine
 Suger, abbot of Saint-Denis 22, 127, 174–7, 200,
 206–9

Theobald, archbishop of Canterbury 55
 Theodwin of Santa Rufina 129, 174
 Thurstan, archbishop of York 101, 103, 120

Waltheof, prior of Kirkham 104–7, 120
 Wibald of Stavelot, abbot of Corvey 152, 158–60,
 164–5, 169, 205, 258, 261–2
 William, abbot of Rievaulx 104, 107–8
 William, count of Nevers 206
 William of Aumâle 107
 William Fitzherbert, archbishop of York 102–24
 William of Sainte Barbe 105, 117

Places

Almería 224–7

Besançon 187–8
 Bohemia 167
 Brescia 258
 see also Arnold of Brescia

Châlons-sur-Marne 179–81
 Cîteaux 310–11, 321–40
 Clairvaux 17, 120, 309, 328
 Constantinople 80
 Corvey 165

Edessa 133–4, 142

Farfa 18
 Fountains 103–4, 117–18, 317
 Frankfurt, Diet of 147, 152, 155
 Fumone 291–2

Genoa, Genoese 139–40, 224–5, 227, 229, 231, 242
 Grottaferrata 46–7

Huesca, Church of 236–9

Iberian peninsula 219–42

Jaén 227
 Jerusalem, patriarchate of 344
 Church of the Holy Sepulchre 357-8

 Lisbon 221-4
 Lleida 229-30

 Magdeburg
 Charter of 154-5, 165

 Narbonne, archbishopric of 355
 Nazareth, archbishopric of 348-50
 Notre-Dame de Josaphat, abbey of 24, 343,
 348-50, 354

 Obazine 324, 328, 333

 Paris 177
 Pisa 38, 140, 277-8
 archbishopric of 275-83
 Council of, 1135 130, 281

 Radicofani 295-6
 Reims, Council of, 1148 22, 58-61, 85, 142, 178-9,
 190, 199, 211-14, 239, 351-2, 354
 Roda, Church of 236-9
 Rome 63, 252, 254-5
 St Peter's 268
 Senate 243-8, 253-69
 Prefecture 248-9, 252-3
 see also Eugenius III and Roman commune

Subjects

Almoravids 220
 Armenians 25, 130-1, 355-7

Book of St Gilbert 326
see also Gilbert of Sempringham

calumny, oath of 63-7
 cardinals, French 200-1
carta caritatis 311, 314, 324
 chancery, papal 188-90
Christiane fidei religio 351, 353
 Cistercians
 Chapter-General of 1147 123, 193, 211, 325-7,
 333, 339-40
 in England *see* York, archbishopric of
 in Papal States 298-9
 papal privileges 305-20
 and Roman law 53-4
conversi 316
 conversion 157, 161
 Curia, papal 70-1, 84-5, 174-5, 253

Decretum of Gratian *see* Gratian
Divini dispensatione (1146) 139, 150-1

Saint-Denis 177, 208, 211
 S Croce in Gerusalemme 34-7, 65
 S Prassede 34-7, 65
 SS Vincenzo e Anastasio 17, 116, 248, 282, 298-9
 see also Tre Fontane
 Santarém 222
 Savigny 199, 322-4, 329-30, 333-4, 339
 Spain *see* Iberian peninsula
 Speyer 151

 Tarragona 228, 234-5
 Terracina 292-3
 inscription recording Eugenius III at 300-2
 Tiberias 350-1
 Toledo, bishopric of 232-4
 Tortosa 228-9
 Tournai, bishopric of 215
 Tre Fontane *see* SS Vincenzo e Anastasio
 Trier 182-7
 Tuscany 280
 Tyre, archbishopric of 346-7

 Urgell, bishopric of 240

 Verdun 181-2
 Vézelay 25, 151, 205, 351-3
 Viterbo 83, 85, 175, 288

 York, archbishopric of 101-24

 Zamora, bishopric of 234
 Zaragoza, Church of 240-1

Divini dispensatione (1147) 127, 140, 145, 159-64,
 167, 225, 229
 Donation of Constantine 86

eschatology, ideas 157-8, 164

First Crusade, legacy of 133

Genoese 225, 228, 231
 Greek Orthodox 355, 357

Historia Francorum 204
 Hospital of St John 351, 353-4

interdict 317-19

just war 161

Lateran Council, First 140, 206
Liber censuum *see* Cencius camerarius
Liber pontificalis 18, 69-70
see also Boso

Papal States 271-304
Patrimony of St Peter *see* Papal States
petitions, to papal Curia 342-3
primacy, papal 93
property, transfer of 279-81, 294-5

Quantum praedecessores 21-2, 126-7, 131-8,
144-5, 150, 161, 165, 204-5, 220, 224, 356

Reconquista *see* Iberian peninsula
Rule of Benedict 316

Sacrosancta Romana ecclesie 311-13, 317, 319
simony 114-15, 240

Slavs *see* Wends
synods 308-10

tithes 306-8, 348-51, 353

Universis Dei fidelibus 229-30

Vita S. Gilberti Confessoris 337

Wendish Crusade 147-70
Wends 153-9
See also Wendish Crusade